

Vattel, in his day, recognized the limitations when he said a nation is master of its own actions so long as they do not affect the proper and just rights of others.<sup>14</sup> Hall,<sup>15</sup> one of the most respected of modern writers on international law, thus states the limitation: "A state has a right to live its life in its own way, so long as it keeps itself rigidly to itself and refrains from interfering with the equal rights of other states to live their lives in the manner which commends itself to them."

If we examine in the light of practice the so-called fundamental inherent rights of sovereign states, as they are customarily enumerated in the textbooks, we shall find that they are far from being absolute and unlimited. Take the usually asserted right of the state to establish (and alter at will) such form of government as it chooses. Such a right is emphatically denied by the authorities of high repute<sup>16</sup> and in practice it has never been admitted. It was denied by the Powers in 1814 when Napoleon asked it as a right under the law of nations,<sup>17</sup> and on several

rights of other States and internally by its own nature"; Dupuis, *op. cit.*, p. 7, 494; Fauchille, *Traité de Droit Int. Pub.* (1922) t. I, p. 432; Fiore, *Droit Int. Pub.* (trans. by Borchard), pp. 42, 170; Funck-Brentano et Sorel, *Précis de Droit des Gens*, p. 7; Hill, *World Organization and the Modern State*, pp. 39, 40; Lawrence, *Principles of International Law*, p. 116; Lorimer, *Institutes of International Law*, vol I, pp. 47, 139 (who remarks that no jural entity can be absolutely independent of any other and that the doctrine of absolute independence when applied to States amounts to a total repudiation of international responsibility); Merignac, *Traité de Droit Int. Pub.* t. I, p. 525; Oppenheim, *International Law* (3rd ed.), vol. I p. 194; and Pillet, 1 *Rev. Gén. de Droit Int. Pub.* 5 and 5 *ibid*, p. 73.

<sup>14</sup> *Le Droit des Gens*, Introd., sec. 20.

<sup>15</sup> *International Law* (3rd ed.) p. 46. Compare also De Visscher (*La responsabilité des Etats*, *Bibliotheca Visseriana*, t. 2, p. 90) who remarks that "the responsibility of States is, in the international order, the necessary corollary of their equality. If the mutual recognition of their sovereignty implies for each of them the liberty of action which is necessary in the pursuit of their own ends, it places upon each in return the restrictions imposed by the coexistence of other States whose rights are equal to theirs." Compare also the Declaration of the Rights and Duties of Nations adopted by the American Institute of International Law at Washington in 1916 to the effect that every nation has a right to exist and develop itself and to be free of control by other States, so long as it does not interfere with or violate the rights of other states.

<sup>16</sup> For example by Pillet, 5 *Revue Générale* 86; and Hill, *World Organization*, p. 140.

<sup>17</sup> Dupuis, *op. cit.* p. 488.

occasions since then changes in existing forms of government were opposed and sometimes prevented by the action of other states whose safety and the general peace were believed to be menaced by the proposed changes. (The establishment of a government which is "notoriously opposed to the existing order of affairs" is admitted to be a matter of concern to international society,<sup>18</sup>) and when recognition is sought for newly-established governments practice shows that other states are not indifferent to the character of those which they are asked to recognize. There were indeed official pronouncements during the World War from which it might be deduced that the maintenance of autocratic governments will no longer be tolerated in the present democratic order of the world.<sup>20</sup> (All statesmen and text-writers are agreed that a state is bound to maintain a form of government which is capable of fulfilling its international obligations) and it has often been asserted in international controversies that every state is bound to maintain judicial tribunals so constituted that they may be expected to render impartial and substantial justice to aliens.<sup>21</sup> ¶

It is frequently asserted that every state has a right to extend or contract at will its territorial domain by purchase or cession but this right, like others, is not admitted in practice. If the safety of other states or the general peace are threatened by territorial changes objection will be interposed and instances are by no means lacking in which they have been prevented by the opposition of other states or by the Powers collectively.

<sup>18</sup> Hyde, *International Law Chiefly as Interpreted and Applied by the United States*, vol. I, p. 86.

<sup>19</sup> Thus the refusal of the United States government to recognize the Soviet government of Russia has apparently been influenced to some extent by the character of that government as well as by its policies. Compare Harriman, "The Recognition of Soviet Russia," *Proceedings of the American Society of International Law*, 1924, p. 92.

<sup>20</sup> For example, President Wilson's War Message to Congress, April 2, 1917. See in this connection the comment of Wright, 17, *Amer. Jour. of Int. Law* (1917) p. 240.

<sup>21</sup> Moore, *Digest of International Law*, vol. II, p. 5; Borchard, *Diplomatic Protection of Citizens Abroad*, p. 213, and Wright, *Control of American Foreign Relations*, p. 14.

<sup>22</sup> Some instances are referred to by Briery in the *British Year Book of International Law* for 1924, p. 13. He adds that "the supposed absolute right of



There has been much discussion lately of the right of every state to regulate its own domestic affairs. Such a right will not be contested. But what are "domestic affairs?" In case there is a controversy between two states, one claiming that its legislation or conduct are domestic matters and therefore within its exclusive jurisdiction, the other claiming that they are matters of international concern, who is the judge as to whether they belong to the one or the other domain? In some recent political utterances language has been employed which amounted to an assertion that each state not only has a right to regulate its own domestic affairs but also the right to determine for itself what are such affairs. {This claim cannot be admitted and it is not in accord with international practice.} Thus, when Italy by an act of parliament in 1912 created a state monopoly of the life insurance business and expropriated the business of foreign private companies without indemnifying them for their losses, the act was the object of protest on the part of certain foreign governments which vigorously denied that a state has a right under international law to deprive in this way aliens of their property rights and invoke as a defense its alleged sovereignty in respect to matters which it chooses to regard as purely domestic. And when Uruguay in the same year passed a similar law the protests of Great Britain and France were such as to cause the Uruguayan legislature to rescind its action and abolish the monopoly.<sup>23</sup>

State to alienate its own territory is a fiction which is suggested to us, not by anything in the practice of States, but by our preconceived notions of what sovereignty ought to imply." Westlake (*Collected Papers on International Law*, p. 131) remarks that a State may alienate its sovereignty subject to the rules of the Society of States, one of which makes every alteration of the map of Europe a matter of common interest to that quarter of the globe, as a landed proprietor may alienate his property subject to the laws of his country."

<sup>23</sup> As to these incidents see Audinet, *Le Monopole des Assurances sur la vie*, 20 *Revue Générale de Droit Int. Pub.* (1913), p. 5; Jèze, 29 *Revue de Droit Pub.* 433 ff. and 30 *ibid.* pp. 58 ff.; and Scelle 30 *ibid.* 637 ff. and 653 ff. In the case of a sulphur monopoly established by Sicily in 1838, an indemnity was awarded upon arbitration, to a foreign national whose rights had been prejudiced by the monopoly (Borchard *op. cit.* p. 182). In the case of Henry Savage an indemnity was likewise obtained on behalf of an American citizen on account of a loss which he had sustained in consequence of the establishment by Salvador of a state monopoly of the manufacture and sale of gunpowder (Moore, *International Arbitrations* p. 1855).

In September of last year the government of the United States addressed a protest to the government of Roumania against a recently enacted mining law which was deemed to be confiscatory of the rights of an American oil company. The reply of the Roumanian government that the legislation complained of was enacted in the exercise of its right of sovereignty and dealt with matters of purely domestic concern was, of course, not admitted, as a legitimate defense to the American claim. Such protests are common in the relations of modern states.

(Manifestly if each state were admitted to be the sole and final judge as to what matters fall within its exclusive jurisdiction it might in many cases avoid all responsibility for injuries to other states or their nationals by alleging that its acts fell within its reserved domain of domestic jurisdiction.) The Covenant of the League of Nations<sup>24</sup> and the recent Geneva Protocol for the Pacific Settlement of International Disputes<sup>25</sup> both recognize the exclusive jurisdiction of states over so called domestic affairs, by relieving them of the obligation to arbitrate disputes arising out of such matters; but it should be observed that both conventions expressly limit the exemption to disputes arising out of matters which "by international law" are solely within the jurisdiction of the party so claiming. No party can therefore avoid the obligation to arbitrate by showing that the matter giving rise to the dispute is such merely by reason of its own constitution or laws or because it is so regarded by its own authorities.<sup>26</sup> This was the issue before the Permanent Court of International Justice in the French Nationality Cases when the French government contended that the determination of matters of nationality belonged to the exclusive jurisdiction of the state. The British government denied that this was true when it involved the imposition of nationality upon the subjects of other states against their will<sup>27</sup> and its view was sustained by the

<sup>24</sup> Article 15, sec. 8.

<sup>25</sup> Article 5.

<sup>26</sup> Compare the observations of M. Castberg in the *Swiss Revue de Droit International*, 1922, p. 198.

<sup>27</sup> See especially the argument of Sir Douglas Hogg, *Acts and Documents Relating to the Judgments and Advisory Opinions of the Permanent Court of International Justice*, Series 6, pp. 26 ff.

decision of the court.<sup>28</sup> The court also took occasion to observe that whether a matter is or is not solely within the jurisdiction of a state is essentially a relative question and depends upon the state of development of international relations. It results therefore that what may properly be regarded as a domestic matter today, may be a matter of international concern tomorrow.

As Secretary Hughes pointed out in his address before the Canadian bar association in 1923 the "most troublesome sources of irritation are to be found in the subjects which States properly decline to regard as international in the legal sense." And advertising to the general practice of excluding from arbitration disputes arising out of domestic policies, he said: "but in these days of intimate relations, of economic stress and of intense desire to protect national interests and advance national opportunity, the treatment of questions which, from a legal standpoint, are domestic, often seriously affects international relations. The principle, each nation for itself to the full extent of its powers, is the principle of war, not of peace."

The assertion frequently made that the jurisdiction of a state over all persons and things within its territory is "absolute and exclusive"<sup>29</sup> is, as a statement of legal theory, indisputable, but it would be pure self-deception to allow ourselves to believe that it enunciates the rule which states actually apply in their intercourse with one another.<sup>30</sup> (That jurisdiction is limited legally by the principle of international responsibility and it is limited in fact by considerations of mutual benefit and advantage which in practice make necessary "a relaxation of that absolute and complete jurisdiction which sovereignty is said to confer.")<sup>31</sup>

<sup>28</sup> *Collection of Advisory Opinions*, Series B, p. 24.

<sup>29</sup> It was so stated by Chief Justice Marshall in the case of the *Schooner Exchange v. McFaddon*, quoted above. To the same effect see Lawrence, *Principles of International Law*, 7th ed. p. 199.

<sup>30</sup> Compare Brierly, "Shortcomings of International Law," *British Year Book of Int. Law*, 1924, p. 13 and Krabbe (op. cit.) p. 240, who justly remarks that "whenever any interest has been recognized as having legal value by an international legal community, the competence of the State as a legal community undergoes a limitation with reference to the valuation of such interests."

<sup>31</sup> So admitted by Chief Justice Marshall in the case of the *Schooner Exchange*.

The obligation of the state to protect foreigners within its territory and to make reparation for injuries which they suffer in consequence of the fault of the state is asserted by all writers on international law;<sup>32</sup> it has been affirmed by international arbitration tribunals in hundreds of cases,<sup>33</sup> and the principle is uniformly acted on in practice by governments. From this obligation results the universally recognized reciprocal right of states to protect their nationals abroad, to demand redress for wrongs imputable to the authorities of a foreign state in which they are domiciled and to intervene in their behalf. This admitted right of diplomatic protection necessarily limits the sovereignty of the state in which aliens are domiciled or engaged in business and the increasing influx and settlement in large numbers of aliens in certain states has had the effect of accentuating correspondingly the extent of the restriction. ✓

When we turn from the limitations on the internal sovereignty of the state, that is, its sovereignty over persons and things within its territory, to the consideration of its freedom of action *vis à vis* other states we find that this freedom is limited by the body of customary international law—one of the chief objects of which is the imposition of restraint upon the external conduct of states—and by conventions whereby states assume obligations and renounce their liberty of action in respect to certain matters. International law requires states to abstain from certain conduct, to acquiesce in the exercise within their territory of the authority of other states in certain cases, to prevent their officers and subjects from doing certain acts and to make reparation for the violation by the latter of the law creating these obligations.<sup>34</sup>

<sup>32</sup> See especially Anzilotti, 13 *Revue Générale*, p. 6, and the authorities there cited; Borchard, *Diplomatic Protection of Citizens Abroad*, especially chaps. IV–VIII; DeVisscher, *op. cit.* pp. 89 ff.; Wright, *Control of American Foreign Relations*, Chap. 10, and Audinet, 20 *Revue Générale*, pp. 12, 16, who asserts that it is a principle of international law that a State is bound to accord to foreigners in its territory the same *civil* rights that it accords to its own nationals.

<sup>33</sup> See notably the decision of Martens in the Case of the *Costa Rica Packet* (5 Moore, *Hist. and Digest of International Arbitrations*, 4453); and the cases cited by Ralston, *International Arbitral Law and Procedure*, Chap. X.

<sup>34</sup> Compare Wright, *The Enforcement of International Law Through Municipal Law in the United States*, p. 22.

The acceptance of this law is an essential condition upon which states are admitted to the society of nations; its binding effect is not therefore dependent upon their consent; and it has frequently been asserted by governments that a state which repudiates its authority places itself outside the pale of international intercourse.<sup>35</sup>

It is a striking tribute to its supremacy that never in any official public act, as Rivier remarks, has any state in our time dared to declare that it would not be bound by this law or its precepts.<sup>36</sup> The formal consent of the state is, of course, necessary in the case of conventions enunciating new rules of international law, and it is free to give or withhold that consent, but as regards the generally received customary law—the common law of nations—it is otherwise. In practice states act upon this principle.<sup>37</sup>

<sup>35</sup> See the protest of the diplomatic corps at the capital of Ecuador (1888) and a communication of the United States government to the Ecuadorean government relative to a law passed by the Congress of Ecuador which was pronounced to be "subversive of the principles of international law by which . . . the ultimate liability of governments to one another must be determined," Moore, *Digest of International Law*, vol. I, p. 6. As to the acceptance of international law as a condition of membership in the family of civilized nations, see Maine, *International Law*, p. 38; Phillimore, *International Law*, vol. I, p. 78; Borchard, in Merriam and Others, *Political Theories of Recent Times*, p. 130; Wright, *Control of American Foreign Relations*, p. 358; and Hill, *Procs. Amer. Soc. of Int. Law*, 1916, p. 15. Pillet (1 *Revue Générale*, 10-11) remarks that this principle is a necessary consequence of international society, just as the laws of mechanics are the resultant of elementary physical forces. Hall (*op. cit.* 4th ed. p. 42) very properly remarks that no State living under international law can free itself from its restrictions except by a positive act of withdrawal from the family of nations.

<sup>36</sup> *Droit des Gens*, t. 1, p. 22. •

<sup>37</sup> Westlake (*Collected Papers*, pp. 78-79) declares that when a rule of international law is invoked against a State it is not necessary to show that the State has in fact assented to the rule either diplomatically or by having acted on it. It is enough to show that the general consensus of opinion within the limits of European civilization is in favor of the rule. "International society is not a voluntary but a necessary one and the men who compose any State derive benefits from that society and cannot at their pleasure adhere to it in part and not altogether." Even Lord Alverstone, while insisting in the West Rand Gold Mining case upon the necessity of assent, admitted that a rule of international law was binding if it was "of such a nature and has been so widely and generally accepted that it can hardly be supposed that any State would repudiate it."

It is quite true that in case of conflict between municipal and international law, courts and executive authorities are bound by the former rather than the latter; but this does not mean that municipal law is superior to international law, for the international responsibility of the state cannot be altered in the slightest by such contravening legislation. (A state is entirely free to enact such legislation and may compel its own courts to apply it, its executive authorities to enforce it and its subjects to obey it, but it cannot compel other states to recognize its validity.<sup>38</sup>) It is one of the elementary principles of international law and one that is constantly acted upon in practice that the municipal law of a state is not the measure of its international responsibility and it cannot be invoked as a defense to a claim put forward by another state for reparation for wrongs to the citizens of the latter done in violation of international law.<sup>39</sup> It amounts to little in effect, therefore, to concede to national sovereignty the right to enact and enforce legislation contrary to international law, when in the same breath it is declared that if the right is exercised the state exercising it will be held responsible and compelled to make reparation for injuries sustained by other states in consequence thereof.<sup>40</sup>

<sup>38</sup> On various occasions the government of the United States has released conscripted aliens, liquor smugglers seized outside the three-mile limit and vessels engaged in taking seals in the open seas when the constitutionality of the municipal legislation under which these acts were done was upheld by the Courts. (See the cases of *ex parte Larrucea*, 249, *Fed. Rep.*, 981 and *In re Cooper*, 143, U. S., 472.) The persons and ships were released upon demand, because the municipal legislation under which they were conscripted or seized was admittedly in contravention of well-established rules of international law. In such cases the American government evidently proceeded on the principle that international law is superior to municipal law.

<sup>39</sup> See especially Borchard, *Diplomatic Protection to Citizens Abroad*, p. 181. Compare in this connection an instruction of Secretary of State Bayard to the United States Minister to Colombia, Oct. 13, 1886, Moore, *Digest* vol. II, p. 4. The United States Supreme Court in the *Chinese Exclusion Cases* (130 U. S. 600), while upholding the constitutionality of an act of Congress passed in violation of treaty obligations admitted that the act constituted no defense in international law.

<sup>40</sup> As Krabbe (*Modern Idea of the State*, p. 234) pertinently remarks, nothing is gained by distinguishing between a legal competence which remains intact and a competence to act which is limited.

(It is only when the injured state chooses to submit to such legislation, or is too weak to exact reparation, that the contravening rule of municipal law really prevails over the rule of international law. Therefore, those who like Kohler and Pillet<sup>41</sup> assert that international law is supreme over municipal law are not merely expressing an ideal but are stating what in practice is a fact.) It is believed that this was the view entertained by the early writers on international law.<sup>42</sup> And it makes no difference whether the rules of international law are regarded by jurists and text-writers as law in the technical sense of the term or something else, so long as they are deemed to be binding and for the violation of which states will be held liable.<sup>43</sup> It is equally immaterial whether, as is sometimes contended,<sup>44</sup> courts and executive authorities when they apply its rules enforce them rather as rules of municipal law from which they are assumed to derive their validity, than as rules of international law. The effect is the same whichever view is adopted. The important fact is that the rules are regarded as binding and are applied.

Finally, the assertion sometimes made that each state being independent may interpret for itself how far the principles of international law are applicable, and that in practice states "interpret it for themselves usually as they find it expedient"<sup>45</sup>

<sup>41</sup> *Völkerrecht des Privatrechtstitel, Zeitschrift für Völkerrecht und Bundesstaatsrecht*, 1908, p. 209. *Le Droit International Public, etc.*, 1 *Rev. Gén.*, pp. 9-10; also article *Les Droits Fondamentaux des Etats, etc.*, 5, *ibid.*, p. 82.

<sup>42</sup> Thus Richard Hooker in his *Ecclesiastical Policy* (I, 10), published in 1592, said the "strength and virtue of the law of nations is that no particular nation can lawfully prejudice the same by any of their several laws and ordinances any more than a man by his private resolutions the law of the Commonwealth wherein he liveth or annihilate that whereupon the world hath agreed."

<sup>43</sup> Compare Scott, "The Legal Nature of International law, 1 *Amer. Journal*, 832.

<sup>44</sup> For example, by Willoughby, "The Legal Nature of International Law," 2 *Amer. Jour. of Int. Law*, 357.

<sup>45</sup> This is the view of Professor R. N. Gilchrist, in his *Principles of Political Science*, p. 128. He adopts the Austinian view that the rules of international law are rather rules of international morality than rules of law. He admits that they are usually observed, but asserts that "ultimately the individual states have to say what laws apply to them and how they apply."

is not well-founded in fact. It may be the legal theory but it is not in accord with the practice. States, of course, sometimes assert a claim to be the judges of the applicability and the meaning of the law, just as they sometimes assert a claim to judge of the measure and nature of protection which they are obliged to afford to foreigners and of the degree of responsibility which they owe to other states, and occasionally they are able to impose their interpretation upon weaker states, but their right to do so is never admitted and in controversies between states of equal strength the attempt usually fails.

If we examine the limitations on the freedom of national action established by treaties and conventions we shall be struck by their number and variety. It may now be said that the civilized world is knit together by a vast net-work of international agreements the number of which is said to be in the neighborhood of 25,000<sup>46</sup> and the number is rapidly increasing.<sup>47</sup> An examination will show that the most of them limit in some way the freedom of the contracting parties.<sup>48</sup> To appreciate the full extent and diversity of these limitations it would be necessary to make a digest of all the treaty collections in existence. During the past fifty years a large number of multi-

<sup>46</sup> This is the estimate of Mr. D. P. Myers in an article on "The Control of Foreign Relations," in the *American Political Science Review*, vol. 11, p. 24.

<sup>47</sup> Between May, 1920 and October, 1924 the Secretariat of the League of Nations registered 764 treaties. The average is now about 175 per year.

<sup>48</sup> Thus treaties of arbitration, treaties providing for the investigation of disputed facts, and treaties obliging the parties to submit their disputes to the Permanent Court of International Justice limit their freedom in respect to the making of war and the same may be said of treaties by which the parties obligate themselves not to employ certain weapons or instrumentalities for injuring an enemy, not to erect fortifications on their frontiers or in certain parts of the interior or not to construct certain types of war ships or ships above a certain tonnage or in excess of fixed ratio. The State's freedom of action is especially limited by commercial treaties obliging each party to admit the subjects of the other to enter, reside and carry on business in its territory, to own and dispose of land, to have access to its courts, to attend its public schools, to be exempt from conscription and compulsory loans, to receive the same protection in their persons and property as are afforded to nationals and to depart freely with their goods and effects in case of war.



lateral conventions have been concluded between groups of states and in many cases between virtually the whole body of states, the effect of which has been to create a net-work of common obligations the performance of which necessarily reduces in large degree the domain of national freedom of action. Many of these conventions obligate the parties to enact certain specified legislation or to revise their existing legislation; to take specific measures to facilitate the execution of the treaties; to refrain from certain conduct and to forbid and prevent their subjects from doing certain acts.<sup>49</sup>

{The fact that the limitations established by conventions are self-imposed does not affect their character as actual restrictions upon the freedom of the parties.<sup>50</sup> Theoretically any party may break them or repudiate them *in toto*, but in fact its right to do so is not admitted and in practice it is rarely done, for the principle *pacta sunt servanda* is universally recognized to be the foundation of conventional international law. The only way by which a state may preserve its sovereignty unimpaired is by refusing to enter into conventions which place restrictions upon its exercise. The right to so refuse, of course, belongs to every state, but under the conditions of modern international life the assumption of treaty obligations and the admission of restraints upon national liberty of action is, in fact, often a matter of necessity rather than of choice if national rights and national

<sup>49</sup> See notably the so-called White Slave Convention (analyzed by Renault in 9 *Rev. Gén.* 497 ff.), the Radio Telegraph Convention, the North Sea Fisheries Convention, the Convention for the Simplification of Customs Formalities, the Convention of February 9, 1920 concerning Spitzbergen, the Washington and Genoa international labor conventions, the Barcelona and Geneva Conventions of 1921 and 1923 relative to communications, transit, etc. As to the nature of the limitations created by the last-mentioned conventions see De Visscher, *Droit International des Communications*, especially pp. 7 ff.

<sup>50</sup> Schücking, (*op. cit.* p. 122) pertinently points out that these who, while admitting that the State may be bound by its own will, deny that it can be bound by a foreign will are in error, since self-imposed obligations in fact involve the subjection of the State to the control of a foreign will. Thus where a State obligates itself by treaty to surrender fugitive criminals, upon the demand of another State, it is no longer free to act upon its own will but must obey the will of a foreign government when a just demand for extradition is made.

interests are to be secured and advanced.<sup>51</sup> A state which should persistently refuse to admit any conventional limitations whatever upon its sovereignty would ultimately find itself outside the pale of international intercourse and deprived of rights which are essential to its existence and progress.

The old theory of absolute sovereignty *vis à vis* other states fitted in very well with the actual conditions of international society at the time it was formulated by the jurists. Today the situation is totally different. In the place of an "anarchy of sovereignties" we have a society of interdependent states, bound by law and possessing a highly-developed solidarity of interests. Economically the world has become in large degree a unit; it has acquired the character of a delicate organism, each part of which is affected by whatever occurs in other parts.<sup>52</sup> Writers are not in agreement as to when the transformation of the international community from an aggregation of "distinct sovereignties," as Marshall characterized it, into a juridical society of states actually took place. The date is immaterial; the fact that the transformation had already taken place even before the establishment of the League of Nations is admitted by nearly all writers on international law.<sup>53</sup> For a long time the society of states was without organization or institutions and it is not yet fully organized, but it was never purely anarchistic

<sup>51</sup> Compare Wehberg, the *Problem of an International Court of Justice* (trans. by Fenwick) p. 3; and Von Liszt, *Das Völker-recht*, p. 10. Chief Justice Marshall, in the case of the *Exchange v. McFaddon*, while affirming the "absolute and exclusive" sovereignty of every nation within its own territory added that their "mutual benefit being promoted by intercourse with each other and by an interchange of those good offices which humanity dictates and its wants require, all sovereigns have consented to a relaxation in practice . . . of that absolute and complete jurisdiction . . . which sovereignty confers."

<sup>52</sup> Norman Angell in his *The Great Illusion* (especially chap. III) and in his *American and the New World State* (chap. I) has pointed out how delicate is this organism and how easily economic and financial disturbances in one part of the world react upon other parts. Compare also Wehberg, *op. cit.* pp. 1 ff.

<sup>53</sup> See notably Westlake, *Collected Papers*, p. 3; Pillet 1 *Rev. Gén.* 3; Rivier, *Droit des Gens*, vol. I., p. 8; Jitta, *La Rénovation du Droit International*, pp. 185-6; Hill, *World Organization*, chap. III; Lawrence, *The Society of Nations*, chap. I; and the resolution of the American Institute of International Law adopted at Havana, Jan. 23. 1917.

as Jellinek asserted,<sup>54</sup> from the time it came to be regarded as being governed by law.

Respectable authority indeed is not lacking for the view that even before the establishment of the League of Nations the world had already advanced from the stage of a mere society and had acquired the character of a federation possessing a corporate juristic personality, and that the law by which the rights and duties of its members in their relations with one another are determined is imposed upon them by the society of states and is not the result of agreement among them.<sup>55</sup> Those who adopt this view maintain, quite logically, that the law of the society of states is superior to the law of any particular member and that the term "international" law is therefore self-contradictory and unscientific and should be replaced by some such term as "super-national" or "supranational" law.<sup>56</sup> If we disregard the legal theory and consider the facts and practice we shall find much to support this view.

<sup>54</sup> See Oppenheim's criticism of Jellinek's view, *The Future of International Law* (1921) p. 9. As Oppenheim points out organization is not essential to the existence of a juridical society.

<sup>55</sup> Such was the thesis of the late Alpheus H. Snow who asserted that "it is not going beyond the fact to say that at the present time the nations and peoples of the world are, by agreements, by commerce, by relationships, and by institutions indissolubly and federally united, so that they together constitute a body politic and corporate which is the law-giving personality above the nations." He adds that it is not necessary that it should be formally created as an institution, its functions defined and organs and agents provided; it exists by recognition of the nations, that is, by society at large. See his article "The Law of Nations" 6 *Amer. Jour. of Int. Law* (1912), p. 894; also his *American Philosophy of Government*, p. 427. French translation in *Rev. Gén.* 1912, pp. 309, 318. Compare also Scott, *The Recommendations of Havana Concerning International Organization*, (1917), pp. 40-41.

<sup>56</sup> So Mr. Snow maintained in the article cited above. Compare also Hull, *Procs. Amer. Soc. of Int. Law* (1911) pp. 280-289, who advocates a somewhat similar change of terminology. See also Pillet, 5 *Revue Générale*, p. 87, and Krabbe, (*op. cit.* pp. 245-6) who remarks that the term "international" law is really a misnomer and that since "the law of nations has now developed into a super-national constitutional law it would be better in the future to use this term, thus carrying out in terminology the parallelism between national and super-national law." Sir James Fitzjames Stephen in his *History of the Criminal Law of England* (vol. II, p. 35) observed that international law is not law so far as it is international nor international so far as it is law.

Whichever view we adopt regarding the legal nature of the society of states, we are bound to reject the theory that in fact it is nothing more than an anarchy of sovereignties. In its present state of development the absolutist conception of sovereignty, viewed in its external manifestations, is wholly incompatible with the existence of that society and it ought to be abandoned along with that other useless fiction known as the equality of states.<sup>57</sup>

As already stated above, the term is not only inapt, unscientific and confusing, but the notion itself is misleading and even dangerous since it gives rise to illusions and creates a mentality which has often proved to be an obstacle to the maintenance of peace and the advancement of the common interests of states. The pretended "prerogative" of sovereignty has often been invoked to justify national conduct which was in violation of the rights of other states and the common interests of the society of states. It has afforded the basis of the claim asserted by states to close rivers to navigation by peoples inhabiting the upper territory through which they flow, to forbid the transmission of radio telegrams through the air above their territory,<sup>58</sup> to exclude foreign aircraft from navigating the air above

<sup>57</sup> Westlake suggests that the term should be replaced by the word "independence," which is a negative conception and implies the notion of freedom from the control of other states rather than the right of a superior to command and control an inferior. Scelle *op. cit.*, p. 94, also advocates this change of terminology on the ground that "independence" connotes an idea of social relations among States analogous to the liberty of individuals. In fact the term "sovereignty" envisaged from the point of view of its external manifestations is used by many writers on international law as synonymous with "independence." See the discussion by Crane in his *The State in Constitutional and International Law*, pp. 49 ff. Hall, *op. cit.* p. 19, remarks that the theory of absolute sovereignty is not necessary to the concept of a legal relation between States. Brierly (article cited, p. 14) suggests that since the traditional theory of sovereignty is qualified by actual practice, it might be reformulated on the basis of the analogy found in the municipal law of many states by which qualifications are imposed on the ownership and use of private property. On this point see also Phillimore, *International Law*, vol. I, (1st. ed.) p. 433 and vol. II, p. 313.

<sup>58</sup> Rolland, *La Télégraphie Sans Fil et le Droit des Gens*, 13 *Rev. Gén.* 75; Fauchille, *La Télégraphie sans Fil et le Droit International*, 47 *Revue de Droit Int. et de Lég. Comp.*, p. 7 ff.

them,<sup>59</sup> to confiscate the property of aliens, and to repudiate debts due to foreign bondholders.<sup>60</sup>

An almost superstitious attachment to the theory and the disinclination to abate a jot or tittle of the substance has been the chief obstacle to the organization of the world for the promotion of common economic interests and the establishment of safeguards for the maintenance of the general peace. As is well-known, the conventions of 1907 for the creation of the International Court of Arbitral Justice and the International Prize Court were opposed on the ground that the obligation which they established to have recourse to the former and to allow appeals from national courts to the latter would amount to a surrender of the sovereignty of the states which were parties thereto.<sup>61</sup> Those who so contended overlooked, however, the

<sup>59</sup> A right now definitely affirmed by the International Air Convention of 1919. (Art. 1.)

<sup>60</sup> See the reply of the Soviet government of Russia to the Genoa Conference (*New York Times* May 12, 1922). The late Senor Drago in an article entitled *Les Emprunts d'Etat et leurs Rapports avec la Politique Internationale*, published in the *Revue Générale de Droit International* for 1907, pp. 251 ff, invoked the principle of national sovereignty to sustain an argument that when a State defaults in the payment of bonds held by foreigners, or even repudiates them, other States whose nationals sustain losses in consequence thereof have no right to protest or intervene. The issuing of bonds, he argued, is a power of sovereignty and there is no denial of justice in the failure to pay them, because there is no international court with jurisdiction to hear and determine complaints arising therefrom. See the trenchant criticism of this perversion of the concept of sovereignty, by Sir John Fischer Williams in the *Bibliotheca Visseriana*, vol. II, pp. 21 ff.

It may be observed that during the controversy in 1901 between Venezuela and certain foreign governments relative to claims for unpaid bonds issued by the Venezuelan government and held by nationals of the other governments the Venezuelan government, invoking the rights of sovereignty in domestic matters, insisted that the national laws of Venezuela were conclusive as to the merits of the claims in controversy. This contention, of course, was not admitted and it was denied by the mixed commissions to which the claims were ultimately submitted. See G. W. Scott, "Use of Force to Recover on Contract Claims," 2 *Amer. Jour. of Int. Law*, p. 32.

<sup>61</sup> Such was the contention of Barbosa, Beernaert, Carlin, and others. Their arguments are summarized by Nippold, in *Die Zweite Haager Friedens Konferenz*, Bd. I, 93 ff. Such also was the contention of Von Liszt, *Das Völkerrecht*, p. 13, and Pohl in a monograph entitled *Deutsche Preisengerichtbarkeit; Ihre Reform durch das Haager Abkommen vom 18 October 1917*. (Tubingen, 1911.) Pohl argued that an international prize court would be a super (*überstaatliche*) institution to which states would be subordinate.

important facts that the establishment of both courts was a purely contractual matter depending upon the voluntary consent of the states which ratified the Conventions, that the duration of both Conventions was limited, and that by their express terms the privilege of denunciation was reserved to the parties. The ratification of the Conventions would, therefore, have entailed no surrender of sovereignty any more than is involved in the assumption of other treaty obligations.<sup>62</sup> It is hardly necessary to add that the supposed loss of sovereignty which it would entail has constituted the main argument against the United States joining the League of Nations or even coöperating with it in the accomplishment of its more important objects.

It may not be improper to observe that governments and statesmen in their attitude toward the rights of sovereignty have not always applied the same standard to other states which they insist must be applied to their own; that is, while claiming for their own country an absolute and unlimited sovereignty they have on occasions, asserted that the sovereignty of other states is qualified and limited by the rights of all.<sup>63</sup> Thus in

<sup>62</sup> This was pointed out by Schücking, *op. cit.*, pp. 99, 122, 124; by Hold von Ferneck, *Eine Lanze für den Prisenhof*, *Zeitschrift für Völkerrecht und Bundesstaatsrecht*, Bd. 6 (1913) pp. 1 ff. Compare also Oppenheim, *The Future of International Law*, p. 44, and Root 15 *Amer. Jour. of Int. Law*, p. 8.

<sup>63</sup> American statesmen have uniformly maintained the theory of the absolute and exclusive sovereignty of the United States but during the controversy with Colombia concerning the Isthmian Canal treaty it was contended by high authority that the sovereignty of Colombia was limited by the right of other states to have the canal constructed in any event. Compare the following from an address of Mr. Elihu Root on "The Ethics of the Panama Question" before the Union League Club of Chicago, Feb. 22, 1904 (printed in Senate Document no. 471, 63rd. Congress, 2d. Session, p. 39): "By the rules of right and justice universally recognized among men and which are the law of nations, the sovereignty of Colombia over the Isthmus of Panama was qualified and limited by the right of the other civilized nations of the earth to have the canal constructed across the Isthmus and to have it maintained for their free and unobstructed passage." As a universal principle equally applied, this view we believe is sound, but in the particular controversy it was put forward by those who asserted it as a justification of conduct by their own government, the rightfulness of which was denied by that one whose sovereignty had been contested. Would they have admitted the validity of the principle asserted if it had been applied to their own country?

controversies that have arisen, the view of a particular government as to whether sovereignty is unlimited or qualified has often depended upon the answer to the question, whose sovereignty was actually involved, its own or that of the other party?

It is entirely natural that states should manifest a reluctance to assume obligations the effect of which would be to limit their own freedom of action and especially those which involve in any degree a renunciation of what they consider their sovereignty. "The theory of absolute and exclusive sovereignty," as an eminent French jurist remarks, "flatters the national pride, favors ambition and gives the illusion of security. Pride rejoices in being master and in not being obliged to bow before any other master; ambition finds pleasure in the right of undertaking everything for which strength promises success; the mirage of omnipotence gives to weakness the illusion that absolute sovereignty covers it and that the state cannot without peril renounce this shadow of protection."<sup>64</sup>

It is believed, however, that this reluctance of states to admit even self-imposed limitations upon their own freedom has often been due in part to a misconception of what is really involved in the acceptance of such limitations, and in part to the failure to appreciate fully the benefits which would result to themselves and to the community of states, in the reciprocal assumption of obligations and the renunciation of unlimited freedom of action. In fact, no surrender of sovereignty results from the voluntary assumption of contractual obligations; sovereignty is lost only when a state has been deprived, against its will, of its freedom of action, by an external power.<sup>65</sup> It is hardly necessary to observe also that the renunciation of liberty of conduct through treaty engagements is usually reciprocal; whatever one party renounces the other party or parties renounce equally, so that as among themselves they are all left on the same footing of equality as before the renunciation.

Manifestly, if every state should, in practice, conform its conduct to the theory of absolute sovereignty and refuse to

<sup>64</sup> Dupuis, *Le Droit des Gens et les Rapports des Grandes Puissances*, p. 495.

<sup>65</sup> Compare Oppenheim, *The Future of International Law*, p. 11.

assume any obligations which involved restrictions upon the exercise of its sovereignty, the condition of international society would, indeed, be that which Hobbes in his day conceived it to be. Limitations upon liberty is the price which must be paid for all social progress, whether it be local, national, or international. All advance in the development of conventional international law, in the progress of international organization, and in the promotion of the common interests of the community of states, has come through mutual restraint and concession voluntarily imposed or granted by states.<sup>66</sup> Particular states have often found that their own security and welfare could be better promoted by surrendering their sovereignty and uniting in federal unions rather than by remaining independent.)

More and more, states in general have found it to their advantage to accept limitations upon their freedom; they have found that the benefits obtained thereby usually more than compensate for the loss of the freedom thus sacrificed; often indeed it has been a matter of necessity in order to acquire essential rights and advantages which could not otherwise be obtained. It is believed that the guiding principle which should be followed in determining whether an international obligation can be safely assumed or a restriction upon national sovereignty accepted, should be sought less in the extent of the obligation than in the value of the object sought to be accomplished. The price exacted may sometimes seem excessive, yet the object to be achieved may be of immense value to the state and of inestimable benefit to international society as a whole.)

<sup>66</sup> Compare on this point the remarks of the late Secretary of State, P. C. Knox, before the Pennsylvania Society of New York, December 11, 1909, published in 4 *Amer. Jour. of Int. Law* 181 and an address of Viscount Grey on the League of Nations, *New York Times*, June 30, 1918.



## IBSEN'S POLITICAL AND SOCIAL IDEAS

PHILIP GEORGE NESERIUS

Man, "to be himself," is "to realize himself." This fundamental thought became a beacon of light which Ibsen unhesitatingly followed through financial distress, through social isolation, and through severe and often malicious criticism by his contemporaries. To advance the country and elevate the people was Ibsen's cardinal aim, which he consistently strove to attain.<sup>1</sup> He dared to be himself; he spoke the truth when he saw it, and fought for his convictions. If one never commits himself, he never expresses himself; his self becomes less and less significant and decisive. Calculating selfishness is the annihilation of self. This was not true of Ibsen. In a letter to Björnson he says: "Had I to decide on an inscription for the monument, I should choose the words: 'His life was his best work.'" So to conduct one's life as to realize one's self seems to be the brightest attainment possible to a human being. It is the task of one and all of us, but most of us bungle it."<sup>2</sup> Ibsen strove for this attainment, firmly believed in living his self, in being taken as his own personality, in being understood. He separated himself from his own parents, because a position of half-understanding was unendurable to him.<sup>3</sup> He also left his country, voluntarily exiling himself, to be better able to deliver his message. During this period of residence abroad nearly all of his works were written. He faced a storm of discussion, approving and disapproving, which must have assured him that he had again aimed correctly and struck well at another timeworn, declining institution of society.

Such blows Ibsen deemed necessary to arouse the people from

<sup>1</sup> *Samtliche Werke*, Bd. 1, Intro.

<sup>2</sup> *Letters of Henrik Ibsen*, p. 359.

<sup>3</sup> *Ibid.*, p. 146.

the rut into which their thinking had fallen, to present to them problems which they had not stopped to analyze and indicate to them that a solution was possible, though the future would have to work it out for them. The idea of reforming organized institutions and above all of bringing about political reforms was repugnant to Ibsen. It was a wrong aim, for nothing can set society right, except society itself by living its self in unrestrained freedom.<sup>4</sup> To aid society in finding its weak points, by shattering its long cherished idols, by leading it on to the truth was his aim. Ibsen has opened channels for discussion which practically deal with all the fundamental phases of human life. His attitude toward the relation of the individual to society, toward democracy in general and, above all, his view on the emancipation of women are phases of his works which captivate and hold the interest of students.

Ibsen does not, as Schiller and Goethe, picture the struggle of one suppressed class of society against another, not even the struggle of the masses against tyranny, but the revolt of an individual against existing society and against the conditions such society creates. In the *Catiline* we have the work of a genius in revolt against the ruling class and institutions.<sup>5</sup> His tendency to view the individual as a unit, whose interests are diametrically opposed to the general interests of the state, dates from this work. Henceforth, his entire thought revolves about the relation of the individual to society, and this becomes the chief and central problem of Ibsen's writings. He directs his revolutionary polemics against the government of human society as at present organized.

Ibsen is the most convinced and consistent poetic champion of individualism. Early in his career he was fascinated by the virtue of self-reliance, militantly advancing against the authority of state, church and family. The conflict between the individual and the political state, the individual in discord with the authority-sanctioned superficiality of the church as a religious institution, we meet in *Catiline* and in *Brand*. Brand advances forcibly

<sup>4</sup> Heller, O., *Henrik Ibsen*, p. 67.

<sup>5</sup> Reich, Emil, *Henrik Ibsen's Dramen*, p. 14.

against the spiritual lassitude that prevents the individual from developing a more personal and, therefore, more intimate feeling for his religion. "Formerly each man was a member of the church, now he is a personality."<sup>6</sup> It is this expression of one's personality that does not suit the Provost, the representative of society as it is. He thus expresses it to Brand: "Hitherto you paid too much attention to the particular needs of individuals; between ourselves, that is a grave fault. Weigh them in the lump, comb them all with the same comb; believe me, you will not repent it."<sup>7</sup> But since Brand is not that kind of shepherd, he cannot conform to the principles of life as outlined by the Provost, and totally misunderstood by the people among whom he had lived and worked, he dies as he had existed on the height unattained by any other fellow-being of the lowland.

In *Love's Comedy* Ibsen challenges society to the fight for moral and intellectual consistency against universal sham. The weakness of society is the general belief or pretense that love, ideal and lofty, is everlasting in the union of lovers. Falk takes it upon himself to expose the irony of this belief and to denounce society for sheltering and perpetuating such a lie. Viewed in the light of his later utterances on similar occasions, we feel the depth of Ibsen's indignation against such social lies in Falk's words:

And this they think is living, Heaven and earth,  
Is such a load so many antics worth?  
For such an end to haul up babes in shoals,  
To pamper them with honesty and reason,  
To feed them fat with faith one sorry season?<sup>8</sup>

And in reply to Svanhild's suggestion to flee, he says:

Is not the whole world everywhere the same?  
And does not Truth's own mirror in its frame  
Lie equally to all the sons of men?<sup>9</sup>

Falk strives to free himself from the evil of the social lie, for to him to be free means to do what he is called upon to do, to assist in fighting sham and pretense.

<sup>6</sup> Archer's translation of Ibsen's Works, III, p. 232.

<sup>7</sup> *Ibid.*, p. 230.

<sup>8</sup> *Ibid.*, Vol. I, p. 430.

<sup>9</sup> *Ibid.*, Vol. I, p. 431.

Before Falk can hope to succeed in the task he must first educate himself; he must work out his own salvation, before he can be of service to the community. It appears that from aimless attack upon the existing order, Ibsen changed to the exaltation of the individual, following him and guiding him in his process of self-education and, to anticipate, in a further progress thence to the successful socialization of the developed individual.

Consul Bernick of *The Pillars of Society* is subjected to such an ethical education, with the aim of making him the outpost of a truthful community. The play is a serious accusation against society, against the moral foundation of modern society. Consul Bernick owes his success, his reputation and even his family happiness to a lie and to his moral cowardice. His fear of public opinion, his struggle to keep up appearances, make him a despicable coward.

Ibsen discloses unsparingly the very depth of moral depravity existing in society, and particularly in the circles which should look out for its welfare and guide it. He questions what society gives to the individual. Is society willing at any cost to improve, is society willing to follow a leader? Not unless this leader caters to the populace and assures it of immediate gain.<sup>10</sup> But a man who has no sense of subordinating his individuality to mere local community interests can seek no understanding with society; the voice of society condemns such a truth-loving individual and far from considering him a friend of the people, pronounces him an enemy.

In the *Wild Duck* Ibsen questions whether he had any right to demolish the ancient moral to save the individual.<sup>11</sup> Is it not better for the individual to remain in the illusions in which he has been brought up, in the belief of his own importance and of his relation to society? Rob the average man of his life-illusions and you rob him of his happiness at the same time.<sup>12</sup>

In the *Little Eyolf* Ibsen changes from egoism to altruism. Here the individual places the interests of society above his own,

<sup>10</sup> Litzmann, B., *Ibsen's Dramen*, p. 63.

<sup>11</sup> Boettcher, F., *La Femme dans le Théâtre d'Ibsen*, p. 133.

<sup>12</sup> *The Wild Duck*, Act v, p. 372.

subjugating his own self by striving to provide others with a loftier and better life. The individual does not liberate himself from his selfish purposes and intentions, because he does not live and work for the sake of others,<sup>13</sup> His only aim is to lord it over others and he strives to attain the social height from where he can best do so. Extreme individualism, according to Ibsen, which disregards the surrounding conditions and limits set for it by social requirements, cannot succeed. A broader conception of the world is necessary to make the work of the individual really effective for society. The individual to be influential must always be above the society in which he lives.

Ibsen never considered himself a child of a people, a leader of a group, a member of society, or a part of a whole; he felt himself exclusively a gifted individual, and the sole object in which he believed and for which he cherished respect was personality. It is through personality that supreme truth can be achieved and the rebirth of humanity accomplished, against whose progress society and its chief agent, the state, at present stand. The future will solve the problem of this transformation and bring about the third kingdom. Ibsen lends his personality to illumine the road and to lead those who walk in the dark.

#### IBSEN'S ATTITUDE TOWARD DEMOCRACY

As early as 1849, Ibsen became engrossed in political matters; he was as revolutionary, as a young man with strong convictions of liberty and freedom frequently is. Though it is claimed that he never was at heart a red-hot revolutionist,<sup>14</sup> it cannot be denied that during the years 1850-51 he was intensely interested in the socialistic ideas stirred up by events in France, and openly joined the opposition to the existing regime by working for a political journal.

Ibsen's politics deal with the individual, the advocate or representative of an outspoken tendency. His political ideas never became theoretic or dogmatic,<sup>15</sup> except where they touched upon

<sup>13</sup> Litzmann, B., *Ibsen's Dramen*, p. 161.

<sup>14</sup> Heller, O., *Henrik Ibsen*, p. 66.

<sup>15</sup> Lothar, R., *Henrik Ibsen*, p. 24.

the organization of the state, which he regarded as the curse of the individual, and which he was willing to fight. The state, he held, at its best can provide the individual with civic privileges only, can treat him as a citizen, and can take care of his material welfare, paying little or no attention to his spiritual interests. The political situation in Norway at that time, when the majority of the members of Parliament were rural representatives, considerably influenced Ibsen's conclusions.<sup>16</sup> In a letter to Brandes he says: "As to liberty, I take it that our dispute is a mere dispute about words. I shall never agree to making liberty synonymous with political liberty. What you call liberty, I call liberties; and what I call the struggle for liberty is nothing but the constant living assimilation of the idea of freedom."<sup>17</sup> Liberty, as ordinarily understood, is only for the citizen, and the individual does not necessarily have to be a citizen. "On the contrary—the state is the curse of the individual. . . . The state must be abolished! In that revolution I will take part. Undermine the idea of the state; make willingness and spiritual kinship the only essentials in the case of a union and you have the beginning of a liberty that is of some value."<sup>18</sup>

Ibsen's assertion that free choice and spiritual kinship are the only binding qualities for a union might lead the uninformed to think that the defender of the rights of the individual was advocating an anarchistic state of society. Nothing was further from Ibsen's mind in his later years, in the period of his greatest productivity, than to hold and express in his works socialistic and even democratic ideas in connection with organized society. In devoting himself to the cause of the individual he had conceived of a state of society that might be termed a loftier form of aristocracy. He looked forward to a time when human minds and emotions shall be beyond the necessity of external supervision and control, to a development of the individual, so wonderful in its efficacy that under enlightened anarchy mankind would attain an almost ideal state. But such an ideal state must remain

<sup>16</sup> Reich, Emil, *Henrik Ibsen's Dramen*, p. 95.

<sup>17</sup> *Letters of Henrik Ibsen*, p. 208.

<sup>18</sup> *Ibid.*

with freedom of conscience in any form and, therefore, joined in many demands of the Liberals. He was no advocate of any political party or tendency, and in his *League of Youth* did not mean either to criticize liberalism or to defend conservatism. His object was to fight pretension, in this case the idle Liberal phrase, so often found in the mouths of those who use it for selfish purposes. When Ibsen relieves himself in an outburst like "The Liberals are the worst enemies of freedom," or "the Liberals are most treacherous enemies of free men," he refers to the tyranny of "liberals" in intellectual things. The arraignment was meant for the sham reformers whose short-ranged vision is a greater obstacle to progress than a reasonable and principled conservatism.<sup>23</sup>

In a letter to Brandes he says: "It will never, in any case, be possible for me to join a party that has the majority on its side." And further on: "I must of necessity say 'The majority is right.' Naturally I am not thinking of that minority of stagnationists who are left behind by the great middle party which with us is called Liberal; but I mean that minority which leads the van and pushes on to points which the majority has not yet reached. I mean that man is right who allied himself most closely with the future."<sup>24</sup> In his own opinion, then, Ibsen was right; in our opinion, well, suppose we too follow the lead of the philosopher, and leave the decision to the future.

#### IBSEN ON THE EMANCIPATION OF WOMAN

The choice of Ibsen's material and its presentation show that the author expected some definite contribution from woman toward the solution of the cultural and social problems. Ibsen explores women's soul with unusual skill, broadening the dramatic world, and adding woman to what had seemed until then "a world of bachelor-souls."<sup>25</sup> He furthermore chooses the married women for his heroine, presenting her in her relation to her home, family, and society.

<sup>23</sup> Heller, O., *Henrik Ibsen*, p. 89.

<sup>24</sup> *Letters of Henrik Ibsen*, p. 349.

<sup>25</sup> *Pillars of Society*, Act IV, p. 408.

Shall woman be an individual? Then she must not be restrained from exercising her individuality, for the foundation of the social structure rests on the intelligent relations of the sexes. Brandes says: "As far as I can judge, the idea of woman's emancipation, in the modern acceptance of the phrase, was far from being familiar and dear to Ibsen at the outset of his career."<sup>26</sup> There is a gradual increase in the complexity of the problems which confront his feminine characters and in the nature of the characters themselves. In regard to the latter his early works deal with two separate types of character: one depicting the virtues of the angelic woman, the other her diabolic prototype. He divides women into two distinct classes, those controlled by their wills and those led by their hearts. He keeps the two classes well apart, blending them only in *Lady of Oestrot*, to show the tragedy that arises when heart and will conflict. His sympathies are decidedly with the strong-minded and self-asserting type of woman, the sort that is meant by Margit (*The Feast at Solhaug*): "Aye, those women . . . they are not weak as we are, they do not fear to pass from thought to deed,"<sup>27</sup> or by Hjordis (*The Vikings*): "The strong women that did not drag out their lives tamely like thee and me."<sup>28</sup> In spite of his sympathies, however, Ibsen allows the altruistic women to carry off the victory in the struggle between altruism and egoism. From *Love's Comedy* to *Emperor and Galilean*, woman does not go through that struggle, but fights to draw the soul of man toward virtue, sacrificing herself together with him for society. In both groups woman plays but a subordinate part, and only in his social plays does Ibsen assume his permanent stand, that of considering woman as an individual and claiming individual freedom for her.

After Svanhild in *Love's Comedy*, the chain of strong female characters is for a time broken. In the *Pretenders* none of the women exist for themselves, but live for those whose aim they help to accomplish. In the *Pretenders* as well as in *Brand*, the woman's problem as a loving wife consists of unconditional

<sup>26</sup> Brandes, Georg, *Eminent Authors of the 19th Century*, p. 452.

<sup>27</sup> Act. I, p. 231.

<sup>28</sup> Act. II, p. 157.



loyalty and unlimited self-sacrifice, no matter what the demands of the husband may be. Agnes in *Brand* goes so far in that respect as to become a martyr in the end. Solveig in *Peer Gynt*, too, is an ideal figure of Ibsen's womanhood, whose greatness and strength of heart consist in her belief and trust and in her readiness to sacrifice herself. But Solveig is a little more than a victim of Peer Gynt's demands. She serves to indicate Ibsen's belief that woman is fundamentally society's support. In this case it is the pure woman, the basis of social morality, that proves to be society's redemption.

With the *League of Youth* Ibsen introduces the woman who begins a long and persistent fight for recognition. Selma is only one of the links connecting Nora with Margit. She, too, craves to be more than a mere toy for her husband: she wants to share the fortunes and misfortunes of the house. True marriage should be distinguished from mere choosing of a mate, in that the husband looks upon the wife as his peer and partner, entitled to share his anxieties and troubles, as well as his successes. Then is the woman an end in herself, or is she a means toward realizing the ideal of collectivity?

Ibsen's sympathies are evidently not with the general belief that woman should be naught but wife and mother. In *Lona Hessel*, for example, he shows the self-supporting, self-protecting, active woman, who knows how to take care of herself and her interests. She becomes the only real pillar of society by living her own life, unbound by conventionalities and unrestrained by tradition. The woman who sang in American vaudeville and wrote eccentric books to support herself and her half-brother, dependent on her, is the one of all the pillars of society to hold up "the banner of the ideal," the banner of truth and freedom—not political freedom only, but freedom from the shackles imposed by false notions of respectability and fear of public opinion, from chains forged by wrong aims of life such as the love of worldly distinction. In the spirit of such truth and freedom she—and through her Ibsen—sees the pillars of society which originate in the relations of men and women, especially as represented in marriage and in family life. Dina Dorf, for example, in the *New*

*World* begins life not as a thing which John Tonnesen had simply taken unto himself, but as her husband's equal, co-worker, and comrade—thus representing the younger generation which initiates their emancipation.

In the *Doll's House* Ibsen champions the right of woman, defends her claim to a life of her own aside from that of wife and mother. Is she to be regarded as an individual, or should her liberty be limited by the interest of the community? This and the similar situation in *Ghosts*, "Just because she is a woman, she will, when once started go to the utmost extreme,"<sup>29</sup> shows how far Ibsen's respect for women exceeds his respect for men.

In his later works<sup>30</sup> Ibsen, though with continued faith in the powers and glory of woman, modifies and restricts her sphere of action. With *Hedda Gabler* he had reached the conclusion that it was not the woman of masculine intellect and ability who propped the beam of society, but the ideal woman, the wife and mother with noble instincts, who reigns supreme over humanity by power of her virtues. In his last two dramas, women have missed their vocation as women. His last two plays, *John Gabriel Borkman* and *When We Dead Awaken* are more sceptic of the high ideals of women. But in *When We Dead Awaken* Ibsen returns to his original contention that woman is to be regarded as a personality and not as a piece of property. He continues to give his modified view by allowing Irene to say: "I should have borne children into the world—many children—real children—not such children as are hidden away in grave vaults. That was my vocation,"<sup>31</sup> meaning that there Irene would have realized herself, would have lived her individuality.

These conclusions the philosopher finally reached, publicly subscribing to them when on May 26, 1898, at the festival of the Norwegian Women's Rights League in Christiania, he said: "I must disclaim the honor of having consciously worked for the women's rights movement. I am not even quite clear as to just

<sup>29</sup> *Letters of Henrik Ibsen*, p. 351.

<sup>30</sup> *John Gabriel Borkman*, *When We Dead Awaken*, *The Master Builder* and *Little Eyolf*.

<sup>31</sup> *When We Dead Awaken*, Act II, p. 419.

what this women's rights movement really is. To me it seemed a problem of humanity in general." Again: "The task always before my mind has been to advance our country and give the people a higher standard. To obtain these two factors are of importance: it is for the mothers by strenuous and sustained labor to awaken a conscious feeling of culture and discipline. This must be created in men, before it will be possible to lift the people to a higher plane. It is the women who are to solve the social problem. As mothers they are to do it. And only as such can they do it. Here lies a great task for woman."<sup>32</sup>

<sup>32</sup> *Speeches and New Letters of Henrik Ibsen.*

## SCIENTIFIC RESEARCH AND STATE GOVERNMENT

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The operation of the newly devised systems of centralized control in state government has naturally raised many questions of the relative duties and responsibilities of department and bureau officials on the one hand and of the supervising and controlling authorities on the other.<sup>1</sup> The process of change from an established method of conducting public business to another, based on different principles and requiring new obligations on the part of officers expending money is bound to be a period of readjustment accompanied by a certain amount of friction. This will be the more certain as the new system differs more widely from the old and restricts more completely the freedom of action formerly reserved to heads of the various state services.

The establishment of the state board of public affairs in Wisconsin in 1911, the enactment of the Civil Code in Illinois in 1917, the enactment of the Ohio Civil Code in 1921, and the legislation of Massachusetts culminating in the creation of the board of administration and finance, all made wide departures from the system of administration hitherto in operation. The essential characteristic introduced in each case was the imposition of an agency of review, of supervision, and in many respects of control upon officers and commissions who had hitherto conducted the work of their respective offices for the most part subject only to the necessity of securing approval of their expenditures by the auditor or controller.

Recent years have furnished the occasion for the testing of the

<sup>1</sup> This article is a summary of a monograph prepared by the writer for the National Research Council entitled "An Evaluation of Systems of Central Financial Control of Scientific Research in State Governments," to be published in the Bulletin Series of the National Research Council.

new regime under varying conditions. As a result of experience to date widely diverse opinions are held as to the wisdom and expediency of present methods. On the one hand it is asserted that the necessity for economy and for the elimination of waste requires that expenditures of public money be scrutinized with the greatest care and by some authority independent of the expending official; that the necessity for balancing income and expenditure requires centralized control of the whole financial process; that the desirability of comparing the expediency of various proposed expenditures, each with the other, in order to insure the wisest possible use of the limited funds available requires a single agency for the authoritative review of estimates, the preparation of a budget, and the supervision of all phases of state finance.

On the other hand it is asserted that the accounting forms imposed are in some cases too detailed and too complicated for research agencies, which are usually small and frequently deal with a type of expenditure somewhat different from that of a typical government bureau; that the "red tape" involved is vexatious and expensive; that the specialized purchasing which is required for their work is not properly handled by central purchasing agents; that their work is delayed by the necessity of securing approval of other authorities; that those authorities possess neither the specialized knowledge nor the sympathetic understanding requisite to a proper decision on matters of expenditure for research purposes; and that the ultimate responsibility for the work of the department is being transferred to the department of finance.

It must be borne in mind always that the prime concern of the American commonwealth is not scientific research but either routine administration of its business, or the application of the results of science to the solution of its problems. The administrative system consequently must be organized in view of the primary task to which it addresses itself. State administration also still works in the shadow of the spoils system to a degree varying from state to state, but absent in few of them. The protection of the administration from favoritism, from spoils, and from

diversion of public funds necessarily is one of the considerations on which the general administrative structure must be reared. Hence many formal requirements as to reporting and accounting, and many incidents of supervision which in specific cases appear vexatious and irritating, are properly justified in view of the situation as a whole. There are, of course, important advantages in a unified accounting system. Only by this means can proper comparisons be made between one service and another, or between present and earlier costs of the same service; and for purposes of informing the legislature and the public a single accounting system is essential.

On the other hand, the state is interested in securing the maximum possible results in any activity which it undertakes; and the far-reaching results of scientific investigation are of the greatest importance, if not to the current administration of its business, at least to the ultimate welfare of its citizens. If the state desires to support scientific research, either in the state university or in its administrative bureaus, it should so far as possible provide the best working conditions. It is by no means settled doctrine that a system of control which is desirable for the supervision of routine administration is equally necessary or desirable for the conduct of bureaus engaged in research. Indeed, there are obvious points of difference in the two cases. A bureau or institution engaged in scientific activity is guided by certain professional standards which may properly be relied upon to replace in part the administrative supervision which seems necessary to prevent waste and extravagance in other bureaus. Individual competence is more likely to be secured in a scientific agency, although the prevalent low salaries cause a regrettably high rate of turnover among well-trained men. The methods and objects of scientific investigation are such as to unfit an administrative official from exercising a type of control which is proper in other cases. Furthermore, owing to the professional character of the work and the inability of the ordinary political appointee to perform it, there is less likelihood of political interference. These points of difference, therefore, make it at least an arguable point whether state bureaus and institutions engaged

in research may not properly claim special treatment within the structure of central financial control.

On the other hand, scientists themselves, with the objective point of view which is characteristic of the profession, should be the first to recognize that the wasteful and inefficient methods of state government which have prevailed almost universally until recent years have little claim for consideration and no claim for their perpetuation. A more closely articulated, more highly organized system of administration, with a greater degree of supervision over administrative methods and policies by bureaus specially designed for the purpose, is not only inevitable but desirable. So far as scientists can do so without a sacrifice of scientific achievement, they should be the first to welcome and support methods of government which give assurance of the elimination of waste. If so minded they can do much toward shaping the forms of administrative control which are proposed; if, however, they interpose a *non possumus*, they not only will fail to block administrative reform, they will also be caught the more closely in its meshes.

In the history of the administrative agencies in Illinois a point was reached as early as 1905 at which the statutory authority of the governor in many instances to review expenditures had become a physical impossibility owing to the large number of independent agencies and the heavy draft on the governor's time from various sources. To enable him to perform by deputy a part of the work of approving vouchers the legislature established in that year an official known as the institution audit clerk.<sup>2</sup> From 1905 until the adoption of the Civil Code the general assembly made an appropriation to the governor for this employee, the importance of whose work was reflected in the salary provided, (\$3,000) which in 1905 equalled that of the highest administrative positions. The enactment of the Civil Code in 1917 provided for the enlargement of the work of the institution audit clerk who became henceforth a member of the newly organized department of finance, with the title administrative auditor. The Civil Code likewise established a new proce-

<sup>2</sup> *Session Laws 1905*, p. 62.

ture for making up the biennial budgets, and vested in the finance department power to inquire into the reasonableness of expenditures, and to enforce its views by refusal to approve vouchers presented by the spending departments.

Before examining specifically the legal authority vested in the director of finance, it is important to view the office in the large. The purpose in the minds of those who created the office was to provide machinery through which the governor as the chief executive could exercise an immediate and direct control over the administrative policy, program, and work of substantially the whole government. This purpose in turn was the by-product of the belief that only by such a concentration of power could an adequate degree of unity and coördination in the administrative services be achieved; and the ultimate goal of efficiency was conceived in part as a function of unity and coördination of each division with the others. This purpose was sought not only through the establishment of far-reaching financial control but equally by linking up over a hundred scattered authorities into eight great departments and the department of finance. Whether this theory was sound and well-conceived, or whether on the other hand it was pushed beyond the limits which are properly to be fixed in the interest of the very efficiency which was sought is not now in question. For the moment the necessary thing is to acquire a clear-cut picture of the office itself.

The specific powers vested in the department of finance fall naturally into three groups: one intended to enable the department to acquire the necessary information on which it could make intelligent decisions; one intended to strengthen the budget-making process; and one intended to vest in the finance department a continuing power of independent review and control of the financial aspects of the process of administration.

The third group of powers is of greatest interest both on account of their intrinsic importance, and their novelty in American fiscal practice. These powers are intended to vest a right of review of administrative decisions involving the expenditure of money in the hands of the finance department. The specific clauses in question vest power: (1) to keep summary and



controlling accounts; (2) to examine and approve or disapprove vouchers, bills, and claims of the several departments; (3) in settling the accounts, to inquire into and make an inspection of articles and materials furnished or work and labor performed, for the purpose of ascertaining that the prices, quality, and amount of such articles or labor are fair, just and reasonable, and to disallow any excess. In addition it may be noted that each department must prepare and submit to the finance department, before its appropriation becomes available for expenditure, an estimate of the amount required for each activity to be carried on. The approval of the finance department is not specifically required for the proposed allocation of funds, but its authority to disapprove vouchers gives it a means of ensuring that its wishes in the distribution be given consideration.<sup>3</sup>

It does not require deep study to grasp the far-reaching authority vested in the department of finance by these statutory provisions. The powers of the department go far beyond an audit to raise the question of fairness, justice and reasonableness of the financial side of administration; and it is obviously difficult to separate questions of this sort from questions of departmental policy and internal departmental operation. A fair reading of these clauses would seem to indicate that the intent was to establish a continuous review of the whole administrative process in the interest of efficiency. The director of finance, therefore, becomes something more than a finance officer, he occupies in the law of Illinois a position analogous to that held in the British system by the Treasury.<sup>4</sup>

It must always be remembered that the director of finance is an appointee of the governor and like other directors may be removed by the governor at will. The broad decisions therefore are those of the chief executive; the control of the spending departments is control by the governor; the practical limits drawn either against the spending departments or the finance department are the limits set by the governor; the enforcement and execution of these limits is the duty of the financial department.

<sup>3</sup> *Session Laws 1917*, p. 2.

<sup>4</sup> See Willoughby, Willoughby, and Lindsay, *Financial Administration of Great Britain*, ch. 8.

Summarizing these legal provisions from the point of view of the bureau engaged in research,<sup>5</sup> we find that it is subject to the following elements of central financial control.

1. The forms of accounts, records, and reports are fixed by the department of finance.
2. The bureau estimates for appropriation are subject to alteration or reduction before approval by the director of finance.
3. The appropriations to the bureau are available only after it has prepared and submitted to the director of finance a plan of expenditure.
4. All vouchers showing expenditure are submitted to the director of finance for review and approval, and are subject to disapproval (1) on ground of illegality or inaccuracy, (2) on question of their fairness, justice, and reasonableness.
5. All purchases, except emergency purchases, are made on requisition by the department of public works and buildings.
6. All printing is supplied for the scientific bureaus by the department of public works and buildings.
7. The legality and accuracy of all expenditures is determined by the auditor and by the director of finance.
8. Travel without the state requires the approval of the governor.

The general pattern of the system of control appears in the foregoing paragraphs. It is obvious that the freedom and independence of the units of state administration must be to a certain extent impaired. The degree of curtailment depends on the special arrangements in each state and on the character of the men who operate the system. It is perfectly clear that a mere reading of the statute does not suffice to obtain an accurate picture of the real situation, but it is equally clear in broad generalization that a scientific agency formerly vested with power to purchase its own supplies, to contract for its own printing, to send its investigators on such journeys as seemed to it desirable, that approved its own vouchers, prepared its own budget, and appeared directly before the legislature, by whom it was granted

<sup>5</sup> But not the University of Illinois, which is substantially free from these elements of control.

a lump-sum appropriation, cannot enjoy the freedom implied in these statements under a system of central financial control.

The important question, however, and the one to which an answer is sought in these pages, is, has this loss of freedom been a detriment to the prosecution of scientific research in state government; and, if so, to what extent and how can the loss resulting to the state therefrom be avoided? From one point of view it may seem that to admit the loss of freedom gives at once the answer to the question. Consultation with many scientists engaged in state work, however, does not seem to confirm this conclusion, for on the whole the testimony appears to support the view that, however great may be the potential danger involved, there has been in most states very little ground for complaint up to the present.

A convenient method of approaching the potential and actual disadvantages of central financial control will be to examine in turn charges which from time to time have been made. It has thus been asserted that a highly-organized system of government requires an excessive amount of red tape, the number of forms and reports to be made unduly increases, and the energy of the managing officers is drained off in the mere operation of the machine rather than in the prosecution of scientific work. There can be no doubt that the amount of office work increases directly in proportion to the amount of central control, and that the cost of office work is somewhat increased. The real question here is, however, do the ultimate results justify the additional work. The writer holds the belief that they do, from the point of view of the state, in making intelligible the financial results of its operation and thus enabling an intelligent decision on future policy, and equally from the point of view of the scientific division, in charting its financial history from one fiscal period to another and from month to month within each fiscal period.

There is very general complaint about central control of printing and binding. The quality of printing and binding is thought to be unsatisfactory and there is said to be unnecessary delay in handling printing orders. The writer has reached the conclusion that there is cause for complaint in the matter of

delay involved, but the amount of delay has not appeared serious in any case. Where, however, administrative officials determine whether or not a specific scientific contribution shall be published, within an available appropriation, the writer believes that there is proper ground for complaint on the part of scientists. The exercise of this power goes to the heart of scientific activity, and involves a question which should be reserved to the scientist for determination.

There is less complaint about central purchasing than might have been anticipated. This is due in part to the fact that some scientific agencies have been allowed to purchase from university stores and in part to a general willingness to allow scientific divisions practically to purchase for themselves scientific apparatus and in some cases scientific supplies. The writer found no evidence of any restriction of scientific work on account of an unfriendly purchasing policy.

The contingent fund of the scientific division has tended to disappear with the establishment of a central financial agency, and it might be supposed that the discretion of the scientific division would thereby be diminished. The head of the division, it is true, no longer can determine whether an emergency exists in the work for which he is responsible, but must accept the decision of another official. It must be remembered, however, that a fair construction of the use of contingency funds would make them seldom available for the prosecution of research, since they are designed primarily to care for unforeseen emergencies in the administration of state policies, as for example, an epidemic, or an outbreak of some plant disease. For such purposes the central financial agency is, of course, prepared to make the necessary additional grants.

Coincident with the change in policy in the matter of contingent funds is a tendency to itemize more completely the appropriations of scientific divisions. The writer has formed the opinion that the process of itemization in some states, notably Ohio, has gone too far with regard to the scientific divisions. The budget is properly required to be itemized, in order that the legislature may know for what purposes it is appropriating. A highly-

itemized appropriation, however, destroys the flexibility of the financial policy of a department and unnecessarily and unwisely reduces the discretion of the chief of the scientific division. An audit will always prevent illegal expenditures and any tendency to use money in ways not approved by the legislature can be cured, if necessary, by itemization in later appropriation acts. The writer recommends that the appropriation be not itemized to a degree greater than that of the geological, water, and natural history surveys of Illinois for 1923-25.

The most important charge against the newer systems of financial control remains to be considered. It is said that their legal provisions and their actual operation, as well, remove the determination of matters of departmental policy from the department or division concerned to the department of finance, and that this transfer of power not only destroys the responsibility and initiative of the several departments, but vests power of decision in the hands of persons not fitted by training or experience to exercise it wisely. These decisions may turn on recommendations for appropriation to the legislature, or on approval of quarterly plans for expenditure, or on approval of vouchers and claims for expense incurred or projected. In the case of Illinois and Ohio, and to a considerable degree in Massachusetts, there is no doubt that the law contemplates that on a question of the validity or expediency of an expenditure the decision of the department of finance, if supported by the governor, is conclusive. In Wisconsin no such power exists. Waiving for the moment the use which in fact is made of this power, the writer wishes to reaffirm the conclusion which he expressed in a former study of the Illinois system.<sup>6</sup>

“Insofar as the Department of Finance undertakes to determine the question as to whether a given piece of research should be undertaken, or whether it is being properly conducted, or to grant or refuse money for equipment thought necessary by the research workers within the limits of the appropriation, or to approve or disapprove the number and character of scientific assistants within the terms of the appropriation, the useful

<sup>6</sup> See *Bulletin* of the National Research Council, No. 29, Volume V, pt. 4.

features of central control are clearly overbalanced by an excessive interference."

The relationship here involved is an extremely delicate adjustment which can successfully be made only by a loyal coöperation on each side and a broad understanding of the responsibilities involved in each case. The adjustment is made immeasurably more difficult by the rapid changes which in many cases characterize the offices of finance directors and budget superintendents and governors. Permanence and stability are almost the *sine qua non* of success in a matter of this sort. The writer feels assured that, taking the state government as a whole, substantial sums of money are saved and greater service rendered by the operation of the system of control defined in the preceding pages. He feels equally assured that the conduct of scientific investigation will reap its full fruit only if unhampered by an unwise interference on the part of the central control agency.

This seems to result in an insoluble pair of opposites. Practice, however, sometimes deals quickly with logical difficulties, and in this case a working arrangement seems to be developing which may easily become a tradition, by virtue of which the research and scientific divisions retain all necessary freedom in their work. The writer has been constantly impressed with the contrast between the legal statement and the actual operation of the system of financial control here under discussion. In law formidable and drastic, concentrating fiscal power in a way which might seem to promise the annihilation of all independence and initiative, these systems reveal themselves in practice largely as the restatement of methods which for the most part have long been accepted. It has been said that every institution is the shadow of a man. This is emphatically true with the institution of control which has been described in the preceding pages. The writer has come in touch with many scientists in several states, and has learned of many disagreements and many difficulties, but he has found few cases in which the prosecution of research was made more difficult in any fundamental way by the operation of central financial control. Some such cases, however, exist. Indeed he has frequently asked himself the question

whether the promise of efficient administration contained in the law of central control was not likely to vanish in its practical operation.

One other allegation may be referred to briefly. It is sometimes said that a highly unified administrative system subject to the power of financial control herein described lends itself to political manipulation with an ease and on a scale greater than in a system of independent agencies not subject to central financial control. There is an undoubted element of truth in this charge and in any general evaluation of the effect of the newer system it would merit considerable attention. While some cases have been brought to the attention of the writer in which the fear of political influence was evident, it must be said that very few cases of political interference in the conduct of scientific investigation have been revealed. The scientific divisions have so far escaped, in part because they are relatively small and have little to offer in the way of patronage, in part because they are in many cases affiliated with or contiguous to the state university, in part because their functions are distinctly nonpolitical, and in part because politicians feel that the people will not tolerate interference in such cases. Partisanship has been rife in Illinois since 1921, but the three surveys, the Institute for Juvenile Research, and the diagnostic laboratories have been untouched. It appears, therefore, that while scientific investigation cannot expect to make forward strides under adverse political conditions, it can be reasonably sure of freedom from political interference.

It may conduce to clarity if a statement of the limits of central financial control be hazarded. In the judgment of the writer, no detriment to scientific research in the various divisions of state government is to be anticipated from:

1. The audit of expenditures to ensure their conformity with the appropriation act.
2. The establishment of a uniform accounting system for all departments.
3. The preparation of detailed estimates of expenditure for ensuing fiscal periods.
4. The review and revision of such estimates by a finance

official, after full hearing, and with opportunity for a further hearing before the house and senate appropriations committee.

5. The purchase of supplies and materials by a central purchasing officer, with the understanding that the specifications for scientific equipment and supplies are to be written by the scientific division.

6. The handling of contracts for printing and binding, with the understanding that the judgment of the scientific division as to what should be printed (up to the limit of the appropriation) is conclusive.

On the other hand it seems to the writer that the success of scientific research in state governments would be jeopardized:

1. Whenever the decision of a scientific agency to prosecute a scientific investigation, authorized by an appropriation, is overruled by the judgment of a finance office.

2. Whenever the judgment of a scientific agency that a proposed purchase for a scientific purpose, within an appropriation, is overruled by the judgment of a purchasing officer.

3. Whenever the judgment of a scientific agency that the publication of certain results, within an appropriation is expedient, is overruled by the judgment of an editorial board.

It should be further stated that the lodgment of such authority as is recognized in the first of the two preceding statements imposes a solemn obligation upon financial officials to use their authority with vision and understanding. A short-sighted and ill-spirited use of even moderate authority may create an intolerable situation; and if experience demonstrates that the state cannot secure men of vision and sympathy as well as men of firmness and sound judgment to sit in these key positions, a complete reconsideration of the system of control will be necessary. Experience to the present time, however, so far as the writer can judge, indicates that scientific research is not likely to suffer from positive ill-will on the one hand nor from petty attacks on the other.



## CONSTITUTIONAL LAW IN 1923-1924

### THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1923

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#### A. QUESTIONS OF NATIONAL POWER

##### I. REGULATION OF COMMERCE

No one who has followed the steady expansion of federal authority over the business of interstate carriers sanctioned by the Supreme Court in the Shreveport Case,<sup>1</sup> *Illinois Central R. Co. v. Public Utilities Commission*,<sup>2</sup> and *Railroad Commission v. Chicago, B. & Q. R. Co.*,<sup>3</sup> will view with surprise the unanimous decision of that tribunal in *Dayton-Goose Creek R. Co. v. United States*,<sup>4</sup> sustaining the validity of the "recapture" clause of the Transportation Act of 1920.<sup>5</sup> This clause provided in substance that since it is impossible to establish uniform rates upon competitive traffic which will adequately sustain all the carriers needed to do the business, without giving some of them a net income in excess of a fair return, any carrier receiving such excess shall place one-half of it in a reserve fund to be maintained by the carrier for certain specified purposes, and shall pay the other half into a general railroad revolving fund to be maintained in the interstate commerce commission. This fund is to be used by the commission to make loans to carriers to meet expenditures for capital account, and so forth. In short, as Chief Justice Taft aptly summarized it in his opinion, "by the recapture clauses, Congress is enabled to maintain uniform rates for all shippers and yet keep the net

<sup>1</sup> *Houston, E. & W. T. R. Co. v. United States*, 234 U. S. 342.

<sup>2</sup> 245 U. S. 493.

<sup>3</sup> 257 U. S. 563. See comment in this *Review*, vol. 16, p. 618.

<sup>4</sup> 263 U. S. 456. Nineteen railroads besides the plaintiff in the present case filed briefs attacking the constitutionality of the statute.

<sup>5</sup> Act of Feb. 28, 1920, Chap. 91, Sec. 422, 41 Stat. at L. 456, 489-491.

returns of railways, whether strong or weak, to the varying percentages which are fair respectively for them.”<sup>6</sup>

The court pointed out that, from the standpoint of the shipper, rates which are needed to enable all the roads, necessary to handle the traffic of a rate territory, to make a fair return on their property are reasonable. It also declared that the carrier, having engaged in a business devoted to the public interest, has no constitutional right to more than a fair net operating income upon the value of its property devoted to transportation. The carrier never acquires title to any earnings in excess of such fair return, but merely receives them as a trustee, so that the recapture of this excess by the government involves neither an appropriation of property without compensation nor a deprivation of it without due process of law. The objection that such excess should go to the shipper rather than to the government is met by pointing out that the shipper has paid no more than a reasonable rate, and that he is the ultimate beneficiary of any system which helps to strengthen the weaker roads and makes possible a lower uniform rate.

Finally, in answer to the objection that the recapture clause reduced the net income from intrastate rates and thereby encroached on the reserved power of the states in violation of the Tenth Amendment, Chief Justice Taft said: “In solving the problem of maintaining the efficiency of an interstate commerce railway system which serves both the states and nation, Congress is dealing with a unit in which state and interstate operations are often inextricably commingled. When the adequate maintenance of interstate commerce involves and makes necessary on this account the incidental and partial control of intrastate commerce, the power of Congress to exercise such control has been clearly established.” The necessities of administration render necessary the incidental control by Congress of that part of the excess earnings which may come from intrastate rates.

The sensitiveness of the court to any form of rate discrimination was evidenced in *United States v. Illinois Central R. Co.*<sup>7</sup> The designation by the Illinois Central Railroad Company of a blanket territory, from all points within which the same rates were charged to certain northern points, was held to involve undue discrimination against a shipper located on an independent connecting line whose total joint rate over the two roads was higher than the rate charged by the

<sup>6</sup> At page 480.

<sup>7</sup> 263 U. S. 515.

Illinois Central for greater distances on its own lines. The court met the contention that a nondiscriminatory joint rate would be confiscatory by pointing out that the competing rates might be increased in order to prevent discrimination.<sup>8</sup>

## II. EIGHTEENTH AMENDMENT

It has been clear from the outset that the scope of congressional power under the Eighteenth Amendment is not likely to be pared down by overstrict judicial construction.<sup>9</sup> This is evidenced anew in the case of *Everard's Breweries v. Day*<sup>10</sup> which holds valid the Supplemental Prohibition Act of 1921<sup>11</sup> providing that only spirituous and vinous liquor may be prescribed for medicinal purposes, thereby forbidding the use for such purposes of malt liquor. The court, speaking through Justice Sanford, declared that such a measure was reasonable as a means of exercising the power granted by the Eighteenth Amendment. It repudiated the idea that it involved an unconstitutional encroachment on the reserved powers of the states, since the act fell squarely within the sphere of delegated congressional authority.<sup>12</sup> While the medicinal value of beer or other malt liquors is a debatable question, there is sufficient ground for believing the prohibition of the prescription of such liquor to be necessary to the adequate suppression of traffic in intoxicating liquor to warrant the discrimination against malt liquor and in favor of spirituous and vinous liquors. Such discrimination "is not plainly unreasonable or without a substantial justification."

<sup>8</sup> *United States v. American Railway Express Co.*, 265 U. S. 425, held that the express company is not deprived of its property without due process of law by giving the shipper of express the right to give routing instructions where there is competitive express service, since it has no property right in the transportation of traffic delivered by it to destination. See also *United States v. New River Co.*, 265 U. S. 533, holding valid a rule of the Interstate commerce commission limiting the total orders for cars of the owner of a mine served by two carriers to the gross daily rating of the needs of the mine.

<sup>9</sup> See the earlier cases commented on in this *Review*, vol. 16, p. 629, and vol. 18, p. 60.

<sup>10</sup> 265 U. S. 545.

<sup>11</sup> Act of Nov. 23, 1921, Chap. 134, 42 Stat. at L. 222.

<sup>12</sup> "And if the act is within the power confided to Congress, the Tenth Amendment, by its very terms, has no application, since it only reserves to the states 'powers not delegated to the United States by the Constitution.'"

## III. THE FEDERAL BILL OF RIGHTS

1. *Unreasonable Searches and Seizures*

In August, 1921, the Senate directed the federal trade commission to investigate the tobacco industry with reference to domestic and export prices.<sup>13</sup> The commission, taking an extremely liberal view of the authority thus conferred, and apparently anxious to accomplish results with a minimum expenditure of time and effort, ordered the American Tobacco Company, and others, to submit for inspection all of their accounts, books, records, documents, memoranda, contracts, papers and correspondence. In *Federal Trade Commission v. American Tobacco Company*<sup>14</sup> the court held that such a blanket demand exceeded any powers which the commission had received from Congress and constituted an unreasonable search and seizure within the meaning of the Fourth Amendment. With his customary directness and felicity of speech, Justice Holmes declared: "The mere facts of carrying on a commerce not confined within state lines, and of being organized as a corporation, do not make men's affairs public, as those of a railroad now may be. Anyone who respects the spirit as well as the letter of the Fourth Amendment would be loath to believe that Congress intended to authorize one of its subordinate agencies to sweep all our traditions into the fire and to direct fishing expeditions into private papers on the possibility that they may disclose evidence of crime. It is contrary to the first principles of justice to allow a search through all the respondent's records, relevant or irrelevant, in the hope that something will turn up." He then went on to point out that the commission's authority extended only to the demanding of documentary evidence, not documents in general, and that some grounds must be shown for supposing that the documents called for contained evidence relevant to the inquiry on hand.<sup>15</sup>

<sup>13</sup> August 9, 1921. The resolution read: "The Federal Trade Commission be and is hereby directed to investigate the tobacco situation in the United States as to the domestic and export trade, with particular reference to the market price to producers for tobacco and the market price for manufactured tobacco and the price of leaf tobacco exported, and report to the Senate as soon as possible the results of such investigation." Quoted in 283 Fed. 999, 1003.

<sup>14</sup> 264 U. S. 298.

<sup>15</sup> In *Hester v. U. S.*, 265 U. S. 57, a man was chased across a field by a prohibition agent and dropped and broke a jug. The officers analysed the contents of the jug and used the evidence against him. It is held that this does not compel him to give evidence against himself, nor does it invade the constitutional guaranty against unreasonable searches and seizures.

2. *Due Process of Law: The District of Columbia Emergency Rent Law*

It will be recalled that as a result of the extraordinary conditions caused by the war Congress passed a statute in 1919<sup>16</sup> preventing the charging of unreasonable rents in the District of Columbia. As an emergency measure the act was limited in duration to two years. The validity of this law was sustained by a five-to-four decision in the case of *Block v. Hirsh*,<sup>17</sup> with Justice Holmes speaking for the majority and Justice McKenna writing an almost acrimonious dissenting opinion for the minority. By two successive acts Congress extended the operation of the law to May 22, 1924.<sup>18</sup> The plaintiffs in the present action, *Chastleton Corporation v. Sinclair*,<sup>19</sup> allege that the emergency which originally justified the law no longer exists, and that they are deprived of their property without due process of law. The court, speaking again through Justice Holmes, holds this contention presumptively true and remands the case back to the lower court for appropriate action. It is pointed out that while the legislative declaration that a justifying emergency exists as a present fact is entitled to very great respect "so far as this declaration looks to the future, it can be no more than prophecy, and is liable to be controlled by events." Also, "a law depending upon the existence of an emergency or other certain state of facts to uphold it may cease to operate if the emergency ceases or the facts change, even though valid when passed." Turning to the question whether the emergency actually does exist the court finds that it is a matter of public knowledge that living conditions in Washington have considerably improved. "If about all that remains of war conditions is the increased cost of living, that is not, in itself, a justification of the act," and, "if the question were only whether the statute is in force today, upon the facts that we judicially know, we should be compelled to say that the law has ceased to operate." However, the existing conditions ought to be "accurately ascertained and carefully weighed" and this can better be done by the supreme court of the District of Columbia, which is instructed to preserve the evidence for review by the United States Supreme Court if necessary.

It is interesting to note that the court does not attempt to decide

<sup>16</sup> Act of Oct. 22, 1919, Chap. 80, 41 Stat. at L. 297.

<sup>17</sup> 256 U. S. 135. See comments in this *Review*, vol. 16, p. 33.

<sup>18</sup> Act of Aug. 24, 1921, Chap. 91, 42 Stat. at L. 200; Act of May 22, 1922, Chap. 197, 42 Stat. at L. 543.

<sup>19</sup> 264 U. S. 543.

for itself on the basis of its off-hand judicial knowledge the existence or nonexistence of the facts upon which the validity of the legislative act must depend. In spite of a *prima facie* indication that the justifying facts do not exist and that the statute is void, the court sends the case back to the lower court for further investigation.<sup>20</sup>

### 3. *Due Process of Law and the Deportation of Aliens*

By an act of 1920<sup>21</sup> Congress authorized the deportation of certain classes of aliens, including those who had been convicted under various penal acts passed during the war, provided the secretary of labor, after a hearing, found them to be "undesirable residents." In *Mahler v. Eby*<sup>22</sup> the validity of this statute was attacked. It was urged that it was *ex post facto* since it permitted deportation for crimes previously committed; that it delegated legislative power to an executive officer; and that the words "undesirable resident" established a criterion so vague and uncertain as to leave the liberty of an alien to the whim and caprice of the executive officer, thereby working a denial of due process of law. These various contentions were overruled by the court, speaking through Chief Justice Taft. However the alien may feel about it, the law regards deportation not as a punishment but as an exercise of a sovereign power necessary to the safety of the country. The act, therefore, is not *ex post facto*, both upon the theory of *Calder v. Bull*<sup>23</sup> and of *Hawker v. New York*.<sup>24</sup> The court finds no delegation of legislative power to an executive officer, and, after alluding to previous legislation dealing with immigrants, concludes that "our history has created a common understanding of the words "undesirable residents" which gives them the quality of a recognized standard, so that the discretion exercised by the secretary of labor does not become so vague and capricious as to fail of due process."<sup>25</sup> After thus sustaining

<sup>20</sup> Justice Brandeis wrote a concurring opinion in which he held that the procedural requirements of the statute had not been complied with so that the plaintiffs were not bound by the order of the rent commission issued against them. This being the case the question of the constitutionality of the act was not raised and should not have been considered by the court.

<sup>21</sup> Act of May 10, 1920, Chap. 174, 41 Stat. at L. 593.

<sup>22</sup> 264 U. S. 32.

<sup>23</sup> 3 Dall. 386.

<sup>24</sup> 170 U. S. 189.

<sup>25</sup> The court found, however, that the warrant for deportation was defective in not reciting that the secretary of labor had found the petitioner an "undesirable resident." He was ordered to be retained in custody pending the correction of this defect.

the validity of the deportation act the court found defective the warrant under which the petitioner in this case was held.

In *United States ex rel Tisi v. Tod*<sup>26</sup> it was held that an alien who was ordered deported on the ground that he knowingly had seditious literature in his possession was not deprived of liberty without due process of law because the secretary of labor may have made a wrong decision as to his guilt, or may have drawn incorrect inferences from the evidence. Knowledge that the literature was seditious was held not to be a jurisdictional fact which must be affirmatively established in order to validate the order of deportation.<sup>27</sup>

#### 4. *Government of Territories*

In 1919 the territorial legislature of Alaska levied an annual poll tax of five dollars on all males, the proceeds to be used for school purposes, and an annual license fee of five dollars upon each nonresident fisherman in the territory. In *Sven Haavik v. Alaska Packers' Association*<sup>28</sup> these taxes were held valid in the case of a resident of California who was employed as a fisherman in Alaska during four months of the year. There is no deprivation of property without due process of law in compelling him to contribute to the support of the territorial government. The license tax does not impair the privileges and immunities of citizens in the several states (Art. IV. Sec. 2, U. S. Constitution) since Alaska is not a state, nor is the discrimination against nonresidents arbitrary and unreasonable.

#### 5. *Judicial Power*

The case of *North Dakota v. Minnesota*<sup>29</sup> arose out of the overflow of certain North Dakota lands alleged to have been caused by the action of Minnesota in straightening and thereby increasing the speed and volume of certain rivers. The plaintiff state sought a permanent injunction against the continuance of the harmful conditions and also claimed money damages for the injury done to state property and to the lands of the inhabitants of the flooded area. The claim for damages to private property owners was dismissed for want of juris-

<sup>26</sup> 264 U. S. 131.

<sup>27</sup> *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, deals in some detail with the regularity of the hearing allowed an alien in deportation proceedings.

<sup>28</sup> 263 U. S. 510.

<sup>29</sup> 263 U. S. 365.

diction as being within the prohibition of the Eleventh Amendment. The court noted the fact that the complaining owners had contributed to a fund for the purpose of prosecuting the suit and concludes, "It is inconceivable that North Dakota is prosecuting this damage feature of its suit without intending to pay over what it thus recovers to those entitled." The case falls clearly within the rule of *New Hampshire v. Louisiana*.<sup>30</sup> After a careful examination of a huge mass of expert testimony the court further concludes that the floods complained of were due to natural causes rather than to any action upon the part of Minnesota and accordingly refuses the injunction asked.<sup>31</sup>

In *Craig v. Hecht*,<sup>32</sup> Craig, the comptroller of New York City, had been sentenced to jail for contempt of court for publishing a letter assailing certain actions of a federal district judge in a receivership proceeding then pending. He sued out a writ of habeas corpus before a federal circuit judge who discharged him on the ground that the district judge had exceeded his authority in issuing the writ of contempt. An appeal was taken to the circuit court of appeals which reversed the circuit judge for want of jurisdiction to issue the habeas corpus. This decision is affirmed by the Supreme Court in the present case, the court taking the position that Craig could not use the habeas corpus proceeding as a substitute for a writ of error and that since he had elected not to resort to the ordinary process of appeal on the merits of the district judge's ruling he had voluntarily placed himself beyond the power of the Supreme Court to afford him relief. In a dissenting opinion concurred in by Justice Brandeis, Justice Holmes considers the merits of the original contempt proceeding and holds that Craig should have been discharged.

In two cases the relation of the states to the maritime jurisdiction of the federal courts was involved. After the decision in *Knickerbocker Ice Co. v. Stewart*,<sup>33</sup> holding that Congress could not validly allow state workmen's compensation laws to apply to injuries within the admiralty and maritime jurisdiction of the federal courts, Congress sought again to extend the state workmen's compensation acts to maritime injuries except in the cases of "masters and members of the crew."<sup>34</sup> In *Washington v. Dawson and Co.*<sup>35</sup> the court held this new

<sup>30</sup> 108 U. S. 76.

<sup>31</sup> The court does not deal separately with the plea for \$5000 damages for injuries resulting to state property.

<sup>32</sup> 263 U. S. 255.

<sup>33</sup> 253 U. S. 149. See comment in this *Review*, vol. 15, p. 55.

<sup>34</sup> Act of June 10, 1922, Chap. 216, 42 Stat. at L. 634.

<sup>35</sup> 264 U. S. 219.



provision to fall within the prohibition of the earlier case so that one engaged in stevedoring, whose employees work only on board ships in the navigable waters of Puget Sound, could not be compelled to contribute to a state accident compensation fund. In *Red Cross Line v. Atlantic Fruit Co.*,<sup>36</sup> however, it was held that the New York Arbitration Act,<sup>37</sup> allowing specific performance of a promise made by contracting parties to arbitrate disputes, was applicable to a maritime contract since it did not alter the substantive maritime law but merely affected the remedies available.<sup>38</sup>

A somewhat different question regarding maritime jurisdiction was raised in *Panama R. R. Co. v. Johnson*.<sup>39</sup> Here it was held that the provision of the Seaman's Act of 1915<sup>40</sup> giving a seaman injured in the course of his employment a right to trial by jury did not violate the constitutional provision extending federal judicial power to all cases of admiralty and maritime jurisdiction. It was urged that the act took from the admiralty side of the court, in which jury trial does not prevail, jurisdiction which properly belonged there. The court held, however, that the admiralty side of the court had not lost jurisdiction by the act although the common law side had gained. The seaman has an option as to which side he will elect to hear his case. Such a provision is within the power of Congress to modify the rules of maritime law. The fact that the seaman had this right of election while the master did not was held not an unreasonable discrimination under the Fifth Amendment.

### 6. Statutory Construction

In *First National Bank in St. Louis v. Missouri*<sup>41</sup> the Supreme Court held that under the existing statutes national banks could not lawfully maintain branch banks. A state statute forbidding such branch banks does not involve an undue interference with a federal agency or instrumentality nor obstruct the efficient performance of its

<sup>36</sup> 264 U. S. 109.

<sup>37</sup> April 19, 1920, Chap. 275, amended Mar. 1, 1921, Chap. 14.

<sup>38</sup> Justice McReynolds, who wrote the majority opinions in *Knickerbocker Ice Co. v. Stewart*, and *Washington v. Dawson & Co.*, dissented in this case, holding the New York statute inapplicable to a maritime contract.

<sup>39</sup> 264 U. S. 375.

<sup>40</sup> Act of Mar. 4, 1915, Chap. 153, 38 Stat. at L. 1185.

<sup>41</sup> 263 U. S. 640.

functions. The case settles a matter long under dispute and confirms the opinion of Mr. Wickersham as Attorney-General, given in 1911.<sup>42</sup>

## B. QUESTIONS OF STATE POWER

### I. THE FOURTEENTH AMENDMENT

#### 1. *The Alien Land Laws*

While it has been established for many years that a state, in the absence of any treaty provision to the contrary, may constitutionally deny to aliens the right to own land within its borders,<sup>43</sup> the question whether a state could validly deny the right of land ownership to certain races or to certain classes of aliens while granting it to others was not raised until the enactment by the Pacific Coast states of laws discriminating in this way against the Chinese and Japanese.<sup>44</sup> These laws have now been held by the Supreme Court to be valid.

The case of *Terrace v. Thompson*<sup>45</sup> involved the Anti-alien Land Law of the State of Washington, a law which forbade all aliens except those who had declared their intention to become citizens of the United States to own or acquire any interest in land within the state under penalty of forfeiture of the land to the state and the criminal punishment of those conveying the title or interest in violation of the law. Terrace sought an injunction to restrain the attorney-general from enforcing the law against him so as to prevent the leasing of his land for agricultural purposes to a Japanese farmer.<sup>46</sup> The major portion of the opinion of Justice Butler deals with the propriety of the classification which lies at the heart of the statute, since an alien is as much entitled to the guaranties of due process and equal protection of the law under the Fourteenth Amendment as is a citizen. Since the denial of the

<sup>42</sup> May 11, 1911, 29 Ops. Atty. Gen. 81. Justice Van Devanter dissented vigorously on the ground that national banks, being created by the United States for public purposes essentially national in scope, are wholly immune from any state laws purporting to control their powers or functions.

<sup>43</sup> *Hauenstein v. Lynham*, 100 U. S. 483, *Blythe v. Hinckley*, 180 U. S. 333.

<sup>44</sup> These statutes were so worded as not to conflict with any rights guaranteed to aliens by treaty.

<sup>45</sup> 263 U. S. 197.

<sup>46</sup> The court discusses the propriety of this method of testing the constitutionality of the act and concludes that it is permissible since the penalty for violation of the act is so severe as to make it virtually impossible to raise the constitutional question by violating the statute and subsequently pleading its invalidity as a defense.

right of land ownership to all aliens alike is not a denial of due process of law, the only question remaining is whether the state may properly deny the privilege to aliens ineligible to citizenship under the naturalization laws and to those eligible aliens who refrain from becoming naturalized. In singling out ineligible aliens for discriminatory treatment the state is merely adopting for its own purposes a classification already made by Congress. While it is true that Congress could withhold the right of naturalization for any reason or for no reason at all, "it is not to be supposed that its acts defining eligibility are arbitrary or unsupported by reasonable considerations of public policy. The State may properly assume that the considerations upon which Congress made such classification are substantial and reasonable." Furthermore, if ineligible aliens may own land it is not impossible that "every foot of land within the state might pass to the ownership or possession of non-citizens." The court succinctly observes that "reasons supporting discrimination against aliens who may, but who will not, naturalize, are obvious." It distinguishes the present case from that of *Traux v. Raich*,<sup>47</sup> which held that the Fourteenth Amendment forbade discrimination against aliens with reference to employment in the common occupations of the community, by declaring that there is a difference between earning a living in an ordinary occupation and owning or controlling agricultural land, and that "the quality and allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance, and affect the safety and power of the state itself."

An examination of the terms of our treaty of 1911 with Japan<sup>48</sup> convinces the court that the right to own or control agricultural land is not within the rights guaranteed thereby to Japanese subjects and that the treaty contains evidence of an intention to exclude that right. The state statute is not therefore in violation of the treaty.<sup>49</sup>

The doctrine of *Terrace v. Thompson* was applied in three similar cases arising under the Anti-alien Land Laws of California. In *Porterfield v. Webb*<sup>50</sup> it was held that the failure of the California statute to forbid land ownership or control by eligible aliens, who have not taken out their first papers, does not arbitrarily discriminate against

<sup>47</sup> 239 U. S. 33.

<sup>48</sup> 37 Stat. at L. 1504, Feb. 21, 1911.

<sup>49</sup> Justices McReynolds and Brandeis took the view that no justiciable question is involved in the case and that it should have been dismissed on that ground.

<sup>50</sup> 263 U. S. 225.

ineligible aliens. In *Webb v. O'Brien*<sup>51</sup> the defendant had entered into a cropping contract with a Japanese farmer whereby the latter was to receive half the crop but acquired no title or interest in the land. The court held such a contract to be more than a mere contract of employment. If executed it would give the alien a right to use and have a share in the benefit of the land for agricultural purposes and is virtually tantamount to a lease. It falls accordingly within the prohibitions of the statute. *Frick v. Webb*<sup>52</sup> holds that no violation of the Fourteenth Amendment or of treaty rights is involved in the provision of the California act forbidding aliens ineligible to citizenship to acquire stock in a corporation holding land for agricultural purposes, since such a provision is a reasonable method of giving effect to the main purpose of the statute.

In this connection may be noted the case of *Asakura v. Seattle*,<sup>53</sup> invalidating, as in violation of Japanese treaty rights, an ordinance making it unlawful for any person to engage in business as a pawnbroker, unless licensed, and providing that no license should be granted to any alien. A pawnbroker is held to be engaged in "trade" within the meaning of the treaty, which must be liberally construed.

## 2. *The Police Power*

In the group of cases involving the application of the due process clause to the police power of the state two or three stand out as throwing additional light upon the mental processes of the Supreme Court in dealing with the constitutionality of social and economic legislation.

In *Burns Baking Co. v. Bryan*<sup>54</sup> the court invalidated a Nebraska statute establishing maximum weights for loaves of bread and, after allowing a certain tolerance, providing penalties for selling or making for sale bread in other weights. Speaking through Justice Butler the court turns to the question "whether the challenged provision has reasonable relation to the protection of purchasers of bread against fraud by short weights and really tends to accomplish the purpose for which it was enacted." After considering expert testimony on both sides it reaches the conclusions that compliance with the law would impose on bakers and sellers of bread restrictions which are unduly burdensome and constitute genuine hardships, and that the establish-

<sup>51</sup> 263 U. S. 313.

<sup>52</sup> 263 U. S. 326.

<sup>53</sup> 265 U. S. 332.

<sup>54</sup> 264 U. S. 504.

ment of the maximum and minimum weights is not necessary to protect consumers against fraud and is not reasonably calculated to accomplish that purpose.

The willingness of the court to form its own opinion with respect to the existence or nonexistence of the facts upon which the validity of the act must in the last analysis depend, and to adhere to that opinion in the face of the conflicting testimony of experts and the contrary opinion of the legislature is reminiscent of the majority opinion in *Lochner v. New York*<sup>55</sup> and the recent *District of Columbia Minimum Wage Case*.<sup>56</sup> It drew from Justice Brandeis, with Justice Holmes concurring, a vigorous dissent in which, after setting forth at length the evidence pointing to the existence of a most respectable body of opinion supporting the reasonable character of the statute under consideration, he gives the following pungent statement of his view of the court's proper function in dealing with this type of case: "Put at its highest, our function is to determine, in the light of all facts which may enrich our knowledge and enlarge our understanding, whether the measure, enacted in the exercise of an unquestioned police power, and of a character inherently unobjectionable, transcends the bounds of reason. That is, whether the provision, as applied, is so clearly arbitrary or capricious that legislators, acting reasonably, could not have believed it necessary or appropriate for the public welfare. To decide, as a fact, that the prohibition of excess weights 'is not necessary for the protection of the purchasers against imposition and fraud by short weights'; that it 'is not calculated to effectuate that purpose,' and that it 'subjects bakers and sellers of bread,' to heavy burdens,—is, in my opinion, an exercise of the powers of a superlegislature,—not the performance of the constitutional function of judicial review."

But certainly no one, not even the most progressive reformer, could quarrel with the philosophy of Justice Sutherland's opinion in *Radice v. New York*<sup>57</sup> upholding the constitutionality of the New York statute prohibiting women's night work. "Where the constitutional validity of a statute," observes the learned justice, "depends upon the existence of facts, courts must be cautious about reaching a conclusion respecting them contrary to that reached by the legislature; and if the question of what the facts establish be a fairly debatable one, it is not permissible for the judge to set up his opinion in respect of it against the

<sup>55</sup> 198 U. S. 45.

<sup>56</sup> *Adkins v. Children's Hospital*, 261 U. S. 525.

<sup>57</sup> 264 U. S. 292.

opinion of the lawmaker." And yet when one remembers that it was Justice Sutherland himself who wrote the opinion invalidating the District of Columbia Minimum Wage Law,<sup>58</sup> one must conclude that it is vastly easier for a judge to adhere to a liberal view respecting the judicial function in police power cases when he personally agrees with the findings of the legislature than when he does not.

The other cases relating to validity under the Fourteenth Amendment of state police legislation must, for want of space, be merely mentioned. *Sheehan Co. v. Shuler*<sup>59</sup> sustained the validity of a recent amendment to the New York Workmen's Compensation Act providing that, when an employee dies because of industrial injuries leaving no dependents to receive compensation, the employer shall pay a specified sum into a fund to be used for vocational rehabilitation of employees and the payment of compensation for permanent total disability occurring after permanent partial disability. *Security Savings Bank v. California*<sup>60</sup> held constitutional a California statute providing that bank deposits unclaimed for twenty years shall be turned over to the state. *Dillingham v. McLaughlin*<sup>61</sup> upheld the validity of a New York statute confining to corporations the business of collecting money in installments from small investors for coöperative, mutual loan, savings, or investment purposes. In *Hixson v. Oakes*<sup>62</sup> the court sustained the validity of an ordinance of the City of Los Angeles forbidding the filling of any prescription calling for more than eight ounces of alcoholic liquor. This was held to be neither in conflict with the Fourteenth Amendment nor with the Volstead Act. Following its decision in *Wolff Packing Co. v. Court of Industrial Relations*,<sup>63</sup> the Supreme Court, in the case of *Dorchy v. Kansas*,<sup>64</sup> held unconstitutional the system of compulsory arbitration established by the Kansas Court of Industrial Relations Act as applied to coal mines. The act in question contained a stipulation that the invalidity of one part of the act should not be held to vitiate the whole. The court refused to regard the question of the separability of the invalid portion as concluded by this state-

<sup>58</sup> See above, note 56.

<sup>59</sup> 265 U. S. 371.

<sup>60</sup> 263 U. S. 282.

<sup>61</sup> 264 U. S. 370.

<sup>62</sup> 265 U. S. 254.

<sup>63</sup> 262 U. S. 522. See comment in this *Review*, vol. 18, p. 67.

<sup>64</sup> 264 U. S. 286.

ment,<sup>65</sup> but, instead of ruling on the point itself, sent the case back to the state court for decision on this point.<sup>66</sup>

### 3. *The Regulation of Public Utilities*

Of the cases decided at this term involving the validity of state regulation of public utility rates or service, none seems to establish any definitely new principle. *Railroad Commission of Texas v. Eastern Texas R. Co.*<sup>67</sup> held that a railroad operating under a term franchise could not, without denial of due process of law, be prevented from abandoning and dismantling its road prior to the expiration of the franchise in case the continued operation of the road resulted in a money loss. The case involved only the question of withdrawal from local business, as the Interstate Commerce Commission had already given permission to withdraw from interstate commerce transportation. In *Packard v. Banton*<sup>68</sup> it is decided that no denial of due process or equal protection of the law is involved in a New York statute applicable to cities of the first class requiring those engaged in the business of operating motor vehicles for hire, with the exception of omnibuses and street cars, to take out insurance for the protection of passengers against injury or death. "The fact that, because of circumstances peculiar to him, the appellant may be unable to comply with the requirements as to security without assuming a burden greater than that generally borne, or excessive in itself, does not militate against the constitutionality of the statute." In *Pacific Gas and Electric Co. v. San Francisco*<sup>69</sup> the corporation had introduced new inventions which had rendered obsolete a good deal of its equipment and greatly reduced the cost of producing gas. The court held that the fixing of a rate based on the decreased cost of production without allowing for the

<sup>65</sup> See *Hill v. Wallace* 259 U. S. 44, as applying the same rule to an act of Congress.

<sup>66</sup> *Cudahy Packing Co. v. Parramore*, 263 U. S. 418, involved the constitutionality of the application of the Utah Workmen's Compensation Act to industrial accidents occurring under somewhat unusual circumstances. *Jones v. Union Guano Co.*, 264 U. S. 171 upheld the validity of a statutory provision that no action for damages for failure of crops could be brought against a seller of fertilizer until the state chemist had first analysed the fertilizer.

<sup>67</sup> 264 U. S. 79.

<sup>68</sup> 264 U. S. 140.

<sup>69</sup> 265 U. S. 403.

obsolescence of the discarded equipment took property without due process of law.<sup>70</sup>

#### 4. *Due Process of Law in Taxation*

In *Pierce Oil Corporation v. Hopkins*<sup>71</sup> an Arkansas statute is held valid which requires those who sell gasoline to be used on cars on state highways to collect for the state a tax of one cent per gallon. No denial of due process is involved thereby, for a state which under its constitution can regulate the sale of gasoline can impose this incidental burden upon those who sell it. The other cases relating to taxation do not call for comment.<sup>72</sup>

### II. STATE LEGISLATION AFFECTING INTERSTATE COMMERCE

Three cases raised questions of interference by state law with interstate commerce. In the case of *Missouri ex rel. Barrett v. Kansas Natural Gas Co.*<sup>73</sup> the public utilities commission of the State of Kansas undertook to fix the rates for transporting natural gas through pipe lines within the state although the pipe lines crossed the state boundaries and carried gas coming from outside as well as from inside the state. This the court held to be a direct burden on interstate commerce and accordingly void. "The transportation, sale and delivery," said Justice Sutherland, "constitute an unbroken chain, fundamentally interstate from beginning to end, and of such continuity as to amount to an established course of business. The paramount interest is not local, but national—admitting of and requiring uniformity of regulation. Such uniformity, even though it be the uniformity of nonaction, may be highly necessary to preserve equality of opportunity and treatment among the various communities and states concerned." In *Texas Transport and Terminal Co. v. New Orleans*<sup>74</sup> the court, in a much closer decision, invalidated an ordinance of the city of New Orleans imposing a license tax of \$400 upon the business of the plain-

<sup>70</sup> The validity of certain taxes imposed on public utility corporations is involved in *Puget Sound Power & Light Co. v. King County*, 264 U. S. 22, *Southeastern Express Co., v. Robertson*, 264 U. S. 535, *New York, Phila. & N. Teleg. Co. v. Dolan*, 265 U. S. 96, *Baker v. Druesdow*, 263 U. S. 137.

<sup>71</sup> 264 U. S. 137.

<sup>72</sup> *Raley & Brothers v. Richardson*, 264 U. S. 157, *Butters v. Oakland*, 263 U. S. 162, *McGregor v. Hogan*, 263 U. S. 234.

<sup>73</sup> 265 U. S. 298.

<sup>74</sup> 264 U. S. 150.



tiff in error as steamship agent for four steamship lines engaged exclusively in interstate and foreign commerce. The court held that the plaintiff's business was so closely connected with the interstate and foreign business of its principals as to be immune from state or municipal taxation. In a dissenting opinion by Justice Brandeis, concurred in by Justice Holmes, it is objected that "the validity of a state tax under the commerce clause does not depend upon its character or classification" but only upon the question whether it imposes a direct burden upon, discriminates against, or obstructs interstate commerce, and that while the tax in question is on an instrumentality of interstate commerce it does not burden or interfere with that commerce itself. *Lacoste v. Department of Conservation*<sup>75</sup> involved the validity of a Louisiana statute establishing, along with various police regulations, a severance tax upon the skins of all wild fur-bearing animals and alligators. This was held not to be a burden on interstate commerce although it could be shown that all the skins taxed were shipped outside the state. It was also held not a denial of due process or equal protection of the law.

### III. FEDERAL SUPREMACY AND STATE TAXATION

Under authority of an act of Congress of 1918<sup>76</sup> the director of aircraft production organized the United States Spruce Production Corporation as an agency for carrying on the war. Its stock was subscribed by the United States, and all its property was conveyed to it by, or bought with funds from, the United States. All its dividends as well as all its assets upon liquidation accrued to the United States. This corporation is held in *Clallam County v. United States*<sup>77</sup> to be immune from state taxation under the doctrine of *McCulloch v. Maryland*,<sup>78</sup> inasmuch as it had no independent or private functions but only those which it performed as a government agency in carrying on the war.

### IV. EMINENT DOMAIN—INTERSTATE RELATIONS

In 1837 the State of Georgia began the building of a railroad from Atlanta to Chattanooga. In 1852 it purchased eleven acres on the outskirts of Chattanooga for a railroad yard. While the road has been

<sup>75</sup> 263 U. S. 545.

<sup>76</sup> July 9, 1918, Chap. 143, 40 Stat. at L. 845.

<sup>77</sup> 263 U. S. 341.

<sup>78</sup> 4 Wheat. 316.

operated since 1870 by a corporation as lessee, the title to all this property still remains in the State of Georgia. The City of Chattanooga now undertakes to acquire by eminent domain for street purposes a portion of the railroad yard. In *State of Georgia v. City of Chattanooga*<sup>79</sup> the protest of Georgia that the property is already devoted to a public use and that the city has no authority to condemn land which the State of Tennessee has permitted a sister state to acquire is overruled. It is held that the land was acquired by the State of Georgia for private purposes and that no sovereign immunity or privilege attaches to the holding of it. When a state acquires land in another state it holds it subject to the laws of the latter just as a private individual does. The sovereignty of Georgia, in other words, does not extend into Tennessee. The fact that Georgia did not consent to be sued is immaterial since the lower court in Tennessee has jurisdiction in eminent domain proceedings and that jurisdiction does not depend on the consent or suability of the owner of the land.

#### V. THE OBLIGATION OF CONTRACTS

In *Superior Water, Light and Power Co. v. City of Superior*<sup>80</sup> it is held that the obligation of a franchise contract is impaired by the substitution by the state of an indeterminate permit to supply a municipality with water for an exclusive grant for a definite term with an obligation on the part of the municipality to purchase the supply system at the termination of such term at a specified price. *Tidal Oil Co. v. Flanagan*<sup>81</sup> and *Fleming v. Fleming*<sup>82</sup> emphasize the familiar rule that the obligation of a contract can be impaired, within the meaning of the contract clause, only by a state law and not by a judicial decision.

<sup>79</sup> 264 U. S. 472.

<sup>80</sup> 263 U. S. 125.

<sup>81</sup> 263 U. S. 444.

<sup>82</sup> 264 U. S. 29.

## LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

**Advisory Referendum in Massachusetts on the Child Labor Amendment.** When the Sixty-eighth Congress proposed an amendment to the Constitution of the United States giving Congress "power to limit, regulate and prohibit the labor of persons under eighteen years of age," it was generally believed that a prolonged fight against a serious economic and social evil had entered on its last stage and that the enactment would ere long be regularly incorporated in the Constitution as the Twentieth Amendment. But at the present moment there are grave doubts as to what will be the action of the states at the legislative sessions which opened in January, and predictions are freely made that the proposal is likely to meet decisive defeat.

On November 4 the voters of Massachusetts passed judgment on the proposition, "Is it desirable that the General Court ratify the following amendment to the Constitution of the United States:". . . The result shows that 697,563 voted no, 241,461 voted yes, a total 939,024, the heaviest vote cast on any of the seven propositions appearing on the ballot. The vote for governor was 1,161,510, showing that an unusually large percentage of the voters were interested. Not a single legislative district voted favorably.

When the proposed amendment was submitted to the General Court shortly before its adjournment early in June, the Boston Transcript, on June 5 declared that ratification was such a strong likelihood that "the process might as well begin with Massachusetts if the formalities of the submissions of the amendment by Congress shall have been fulfilled before the adjournment of our legislature." It was, continued the editor, in line with the humanitarian policy of the state, desirable for the protection of Massachusetts against unfair competition and "the only practicable means of accomplishing the suppression of a great evil." Unquestionably, prompt ratification would have attracted little attention and have been considered as the only action to be expected.

The session, however, was rapidly drawing to a close. A few days before adjournment attention was called to the fact that in 1920 the

General Court had stated in the preamble to a certain enactment, "It is hereby declared to be the policy of the Commonwealth that the General Court when called upon to act upon a proposed amendment to the Federal Constitution, should defer action until the opinion of the voters of the Commonwealth has been taken, relative to the wisdom and expediency of ratifying the same." Just as the session closed it was decided that the question should be submitted to the people on the November ballot.

In view of the frequent charges that the Eighteenth Amendment was ratified without proper consideration of public opinion on the subject and also that there is some demand for the amendment of the ratification process itself by requiring a popular vote on proposed amendments, the Massachusetts procedure is a matter of general interest. That there was a thorough public debate on the subject cannot be denied. A tremendous amount of publicity was given to the general subject of child labor and federal regulation. Naturally there is no agreement as to the merits of the arguments and while opponents of the amendment are acclaiming the result as a victory of common sense over the sentimentality of an organized minority, proponents are alleging that it is merely another triumph of elaborate propaganda conducted by the National Manufacturers Association, the Sentinels of the Republic, and similar organizations. That the action of Massachusetts will have far reaching consequences and greatly increase the difficulty of securing ratification in the requisite three-fourths of the states, is however a matter on which all parties are unanimous.

At first sight it might seem that Massachusetts would have given generous support to the measure. It has been frequently alleged that its industries are suffering from the competition of those states where regulatory measures are less stringent. Early in 1924 the General Court had memorialized Congress in support of the pending amendment. Its own child labor laws are enlightened; the state has been a leader in all forms of humanitarian legislation. The names of Senators Lodge and Walsh, and of President Coolidge, as well as those of several of its delegation in the House of Representatives, are identified with support of the proposed amendment. Why was its rejection so sweeping and decisive? The explanation must be sought in the arguments which were so extensively presented to the public in the two months prior to November 4.

An examination of the voluminous newspaper literature shows that

opposition concentrated on a few points; that the power given Congress was extreme, the proposed age limit of eighteen too high, that the word "labor" rather than "employment" would permit the exercise of numerous implied powers, that it would involve the creation of an elaborate and expensive bureaucratic machine, and that Congress could not be trusted to exercise its additional powers in a moderate and intelligent manner. The old arguments that the amendment is "Socialistic," "Communistic," or "Bolshevistic," appeared in full strength and its disappointed supporters allege that the voters were "panic stricken" and voted "no" as a result.

Typical of the opposition argument is a manifesto issued by "The Citizens Committee to Protect our Homes and Children" on which appear the names of President Lowell, Cardinal O'Connell, Moorfield Storey, and numerous other prominent citizens. The proposed amendment is denounced as giving Congress "undisputed power for all time to control and prohibit the labor of every person up to eighteen years of age, in the home, on the farm, and in the school. . . . It would enable Congress, through Federal agents, thus to interfere in the discipline of every household, and take from parents the right and duty to educate and guide their children." A prominent official of organized labor declared that "the children of the country will be at the mercy of the politician, and the parents of the children will have no control over their children should the Congress decide to enact laws that would place them in absolute control of a bureau." Perhaps the heaviest blow at the proposal came on October 5 when, in practically every church in the Archdiocese of Boston, the Roman Catholic clergy preached against its adoption. The argument was that it would permit Congress to regulate "not merely the working life but by implication to attach any preliminary condition, hours, occupations and wages, preliminary education," and to send "swarms of paid Governmental workers through the country, seeing that parents are complying with the bureau's ideas of bringing up their children, supervising their education as well as their hours of work and interfering in the sacred rights of parents over their children."

The latter quotation appeared in a publication generally considered to represent the views of the Church hierarchy. Its effect was apparently to silence several vigorous proponents of ratification. Mr. Curley, the democratic candidate for the governorship, who had been urging adoption, immediately reversed his position and became an equally vigorous opponent.

Friends of the amendment were placed on the defensive. They were obliged to argue that the amendment was merely an enabling act, that it did not in itself involve any regulation of labor of children up to eighteen years of age, and that Congress could be trusted to use its power in a sensible and reasonable manner. The latter was a difficult and thankless task. "Do not be fooled," said a prominent Protestant clergyman in opposition, "by the plea that Congress can be trusted to exercise common sense in the application of this law. When have we had any such exhibition of Congressional common sense?" The argument that the amendment would equalize competitive conditions among the several states seems to have been thrust into the background. Senator La Follette in an address in Boston urged a favorable vote both "on the broadest grounds of humanity" and as a matter of self-interest, charging that the manufacturers of the state were already in control of the Southern textile mills and were relying on the exploitation of children in states which had refused to adopt the enlightened laws of Massachusetts, and would gradually withdraw to such states the greater part of the business.

The decisive character of the vote suggests several interesting topics to the student of American democracy. It has certainly been one of the most effective "educational campaigns" ever conducted. Disgruntled partisans are citing it as a proof that it is possible to fool a considerable percentage of the populace if you have funds for propaganda. Others proclaim that it is the response of an intelligent electorate to the adequate presentation of a great public responsibility. In any case a few facts are outstanding, opposition to centralization of further control in the national government, profound distrust of the legislative branch of that government, and dislike for officious bureaucrats whose activities have been so much in evidence for the last eight or ten years. The argument that the amendment was the product of lobbying and intimidation by one of the numerous "organized minorities" met a favorable response. Ever since the Civil War the tide has been running strongly toward federal centralization. Is it about to turn? In view of the recent charges that the Supreme Court has frustrated public will, especially the desire to put child labor under federal regulation, the subsequent fate of this amendment in the states which have not yet taken action is a matter of special interest. It may well be that the decisions in *Hammer vs. Dagenhart* and *Bailey vs. Drexel Furniture Company* were not after all so different from lay opinion on the same subject. It is also evident that our prevailing

political philosophy is still one of distrust. American democracy has not yet reached the stage where it is willing to give its representatives power and responsibility and compel them to conform to public will in an intelligent and effective manner.

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#### **Centralized Purchasing Agencies in State and Local Governments.**

Centralized government purchasing, having been experimented with by the city of Chicago and the state of Texas, in 1898 and 1899 respectively, the institution gradually found acceptance elsewhere, so that by 1925 it was operating in twenty-seven states, about as many counties, and approximately seventy cities. The only state to abandon it has been North Carolina. Eight other states maintain semi-centralized or quasi-centralized purchasing agencies of limited operation or still in the experimental stage,—thus leaving only twelve states without some experience. The Dominion of Canada likewise maintains a purchasing agency as do six of the provinces and several municipalities.

The twenty-seven American commonwealths maintaining bona fide centralized purchasing agencies may be presented with the dates in which the agencies were created, and with the dates in which, in some instances, they were subsequently modified; Texas, 1899, 1913, 1915, 1919; Oklahoma, 1910; Vermont, 1912, 1917, 1921; Minnesota, 1913, 1917; Nebraska, 1913, 1919, 1921; New Hampshire, 1913, 1915, 1917, 1919; Alabama, 1915, 1919; California, 1915, 1921; New Jersey, 1916; Illinois, 1917; North Carolina, 1917, abolished in 1921; New York, 1918, 1922; Arizona, 1919; Idaho, 1919; Indiana, 1919; Michigan, 1919; North Dakota, 1919; Wyoming, 1919; Maryland, 1920; Oregon, 1920, 1921; Tennessee, 1920; Virginia, 1920, 1924; Montana, 1921, 1923; Utah, 1921; Washington, 1921; Massachusetts, 1922; Delaware, 1923.

The eight states maintaining the institution in a limited form prior to 1925 are: Rhode Island, Pennsylvania, West Virginia, Kansas, Iowa, Wisconsin, South Dakota and Nevada. The leading counties operating it are found in such widely distributed states as New York and New Jersey, Indiana and Michigan, and California and Oregon. The states in which cities operate it form just as comprehensive a sweep: Massachusetts, New York, Ohio, Michigan, Illinois, Iowa, and California. The larger cities maintaining it represented virtually every geographical section of the country: Boston, New York, Jersey

City, Newark, Philadelphia and Baltimore on the Atlantic Coast; New Orleans on the Gulf Coast; Dallas, Fort Worth, Houston, and San Antonio in the Southwest; Cincinnati, Cleveland, St. Louis, Kansas City, Indianapolis and Chicago in the Middle West; Des Moines, Detroit, Milwaukee, St. Paul and Minneapolis in the west North Central States; Los Angeles, Portland and Salem on the Pacific coast.

Similar systems have also been adopted by the Canadian provinces of Nova Scotia, New Brunswick (partially), Manitoba, Saskatchewan and British Columbia. The Canadian cities doing likewise include St. John, Fredericton, Moncton and the larger cities of British Columbia; while Toronto and Winnipeg each have partially centralized purchasing.

Active progress in the movement for centralized purchasing began about 1910, in connection with efforts in several states to foster economy and efficiency in government. These efforts included the reorganization and greater centralization of administrative machinery, the adoption of more systematic budget methods, and the inauguration of improved accounting systems. The general discussion of better business management in government had led to the study of centralized purchasing in some large private corporations. A greater impetus to the movement set in after the close of the World War, fifteen states adopting the system within five years. This may have been in part a result of centralized purchasing of supplies for the national guard units in the army.

In principle, state purchasing agencies are fairly uniform, but adjustment to different geographical, economic, and social environments has brought about some unique variations in application, as may be indicated by the variety of titles that have been given to the purchasing agents. Some states have created an entirely new office, some have designated an existing official as the buyer, some have delegated the functions to a group of three or more, still others have provided for a single officer to serve under a department. In Massachusetts, Washington, Utah, Ohio, and Tennessee respectively, he is designated as the purchasing agent, supervisor of purchasing, director of finance and purchase, superintendent of purchases and printing, and general manager of the board for the administration of state institutions. The purchasing department of Nebraska is the board of commissioners of state institutions consisting of three members; in Indiana it is the joint purchasing committee; in Oklahoma, the board of public affairs; in Idaho it is the department of public works; while



in Texas and California it is the chief of division of purchasing, and chief of division of purchases and custody, respectively.

Appointment of a single-headed agency is made by the governor in Utah and in Montana. In New York, Vermont, and in Michigan it is made by the governor with the advice and consent of the senate; in Maryland by the chairman of the central purchasing bureau, who in fact is the governor; in Minnesota by the board of control consisting of three members, who in turn are appointed by the governor; while in Oregon the secretary of the board of control is given purchasing powers. The director of the department of finance appoints the purchaser in Ohio, the director of business control in Washington, the board of directors of state institutions in Arizona and New Hampshire.

The term of the state purchasing agent is two years in Vermont, four years in Tennessee, and five years in New York. In some states the term is indefinite. For instance, in Michigan, Utah, and Montana the purchaser is appointed to serve during the pleasure of the governor; and in Ohio and Oregon he serves during the pleasure of the director of finance, and of the board of control respectively. The Oklahoma board of public affairs consisting of three members may be removed by the governor, but their normal terms are coterminous with his; while in Nebraska, the commissioners of state institutions are appointed by the governor for six-year terms.

Qualifications for the purchaser are either not specifically stated in statutes at all, or they are stated very vaguely so as to include local citizenship or good moral character or both. The statutes offer but little indication that the office may require professional training, although Washington requires that the purchaser shall have had experience in commercial pursuits and in accounting. Maryland stipulates the negative requirement that he "shall not be interested in or in any manner connected with, directly or indirectly, any contract or bid for furnishing materials" or supplies to any of the state institutions. Delaware requires equal representation of the two major parties in the board of state supplies which includes both the governor and the state treasurer.

The annual salary of the purchasing agents has ranged from the original \$2000 in Texas in 1913 to \$10,000 in New York in 1922 and thereafter. In Vermont it is \$3000; in Arizona \$4800; in Tennessee and Utah, \$5000; and in Montana it is \$5000, plus necessary traveling expenses. The statutes stipulate that it shall be not more than \$3000 in New Hampshire and in Oregon, nor more than \$4000 in Michigan.

In Oklahoma each of the three members of the board of public affairs receives \$3000 a year; while the three members of the Nebraska board of commissioners of state institutions receive \$4000. In some states, this salary is fixed by statute; in others by the central board under whom the agent serves.

Bonds have been required of the agents in some states. The amounts have varied from \$5000 in Utah and Oregon to \$50,000 in Tennessee, Oklahoma and Texas.

The jurisdiction of the state purchaser extends to the charitable, penal and educational institutions in Michigan. In Montana and California, it extends to virtually all arms of the state: departments, boards, commissions, educational institutions. In Utah it includes the state colleges, the national guard, and the historical society. The judiciary is exempt from the purchaser's domain in Texas, the military is excluded in Ohio, and the legislature in some other commonwealths.

This variety of jurisdiction naturally implies a corresponding variety in the amount of official power that is vested in the several purchasing agents. Their powers in some commonwealths scarcely rise above that of a coöperative information clerk. Otherwheres, it approaches that of a veritable martial commissariat. Prior to the Virginia Act of 1924, the powers of the purchasing agent of that dominion probably represented the most limited and nebulous of any such administrator. The Act of 1920 stipulated that the Virginia agent's powers should be "advisory and coöperative only." The state officers were "authorized, in their discretion, to seek the aid, assistance and coöperation of the state purchasing agent in the advantageous purchase of supplies of every nature needed for their respective functions, especially to the end that, by collective purchasing, cheaper prices may be obtained."

Some examples of the powers and limitations which govern the purchasing agents may be gleaned from the whole field of substantive legislation on this subject and set up as a composite of regulative maxims which in turn indicate some of the agent's activities. For example, agents shall advertise in standard publications for bids to supply the state services; bids for the sale of supplies must be sealed, accompanied with samples of the wares, and with a certified check equal to five per centum of the value of the proposal—for guarantee; agents must buy from the lowest responsible bidder; perishable commodities shall not be purchased through bids; institutional supplies shall be issued by the purchasing agent upon requisition only; officials violating the state purchasing law may be removed by the governor.

Ordinance power was granted to the superintendent of the New York department of purchase in 1922 which suggests a wide field of subordinate legislation. He was empowered to adopt rules for:

1. Authorizing state departments, boards, commissions, officers and institutions to purchase materials, equipment and supplies, limiting and defining their powers in relation thereto, and prescribing the manner in which such purchases shall be made;

2. Determining the state institutions to which advances may be made by the state treasurer for the purchase of materials, equipment and supplies pursuant to requisitions and estimates approved by the superintendent. Such a rule may be either general or may apply to one or more state institutions;

3. Prescribing the materials, equipment and supplies which shall be directly purchased as contracted by the department of supplies, and the manner in which such materials, equipment and supplies shall be delivered or distributed;

4. Controlling the storage and distribution of materials, equipment and supplies;

5. Prescribing the times for making requisitions and estimates, the periods for which they are to be made, the form thereof, and the manner of authentication.

6. Requiring reports by state institutions of stock of material, equipment and supplies on hand and prescribing the form of such reports;

7. Providing for such other matters as may be necessary to give effect to the foregoing rules and the provisions of this article.

These provisions were in harmony with the recommendations that Governor Nathan L. Miller made to the New York legislature in 1922. He urged that the "statute should be flexible enough to permit the department of purchase and supply to be organized on broad lines and gradually to take over the work without disarrangement of it. There should undoubtedly be three divisions of such a department—an accounting division, a stores control division and a purchasing division." The governor was very emphatic in his assertion that the system should not be hastily developed. Accordingly, the board grant of powers to the purchaser admitted of the gradual evolution of a sound system.

Administrative ordinances of still wider comprehension may eventually evolve from the Massachusetts commission on administration and finance which includes a purchasing bureau, also created in 1922.

The commission is required to make rules subject to the approval of the governor and council. These rules, regulations and orders, like those enacted by the New York superintendent, may be of general or of limited application, and they must provide for:

1. The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;
2. The purchase of supplies and other property without advertisement on the receipt of bids, where the amount involved will not exceed five hundred dollars, when, in the judgment of the state purchasing agent, it is expedient;
3. The purchase of supplies and other property without competition in cases of emergency requiring immediate action;
4. The purchasing of or contracting for certain supplies, equipment and other property of long or short-term contracts, or by purchases or contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more department offices and commissions;
5. Prescribing the times for submitting estimates for various supplies, equipment and other property;
6. Regulations to secure the prompt delivery of commissary and other necessary supplies;
7. Standardization of forms for estimates, orders and contracts;
8. Standardization of specifications for purchasing supplies, equipment and other property;
9. Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;
10. The purchase of supplies and other property locally, upon permission, specific or otherwise, of the state purchasing agent;
11. The use and disposal of the products of state institutions;
12. Disposal of obsolete, excess and unsuitable supplies, salvage and waste material and other property, and the transfer of same to other departments, offices and commissions;
13. Storage of surplus supplies, equipment and other property not needed for immediate use;
14. The testing of commodities or supplies or samples thereof;
15. Hearings on complaints in respect to the quality, grade or brand of commodities or supplies;
16. The waiver of rules in special cases.

Likewise, Montana in 1923 authorized the purchaser to issue, with

the approval of the state board of examiners, "such rules and regulations as may be necessary for the proper and economical conduct of the business of the State Purchasing Agent." The legislation provided, however, that after bids were submitted to the agent, each "bidder shall have the right to be present, either in person or by agent, when the bids are opened and shall have the right to examine and inspect all bids," and the "records shall be open at all times for the inspection of those who may be interested in such contracts" that might be made with the state.

Close scrutiny of expendable property is required of the purchaser in Oregon, and the managers of the institutions must furnish him with monthly estimates of needed supplies. The Montana Act of 1923 is specific upon this point. All "persons in charge of any State property, must, upon request of the State Purchasing Agent, furnish him with a sworn statement of all personal property in his possession or under his charge belonging to the State of Montana, together with an estimate of the value thereof, and must also furnish such other information in connection therewith, as the State Purchasing Agent shall require." Furthermore the state officials must "tabulate in detail the amount of supplies on hand at the beginning of each quarter and the additional supplies needed for the ensuing quarter. The State Purchasing Agent shall make examination of the amount of supplies on hand and shall determine from such examination and from the statements so furnished him," as in this section provided, the additional amount of supplies necessary and shall make an itemized statement thereof, all of which acts of said State Purchasing Agent shall be subject to approval of the Governor." The agent is authorized to follow up these reports by personal visits to the warehouses and supply-depots of any arm of the state government.

Likewise, the New York superintendent of purchases is given access to the offices of the state and may examine their books and require the officers to render any other information pertaining to purchases. In some states the purchasing agent may transfer the surplus commodities from one department to another or they may sell them. Commodities produced by institutions may also be sold when not needed for local consumption. Sometimes laboratories are maintained for the testing of commodities.

Wider activities such as these have rendered it necessary for the state purchaser to maintain considerable clerical or official assistance, and some of the statutes have provided for such personnel. Appar-

ently many of the states eventually will develop the agency into a larger bureau of purchasing.

This rapid rise of the state purchasing agency as an organic component of the state administration has enlisted the aid of several governors. In 1921-1924, a dozen governors' messages brought the subject to the attention of legislatures. Missouri, however, rejected the plan by a referendum vote in 1922. Governor Gifford Pinchot of Pennsylvania considered the idea as a reform measure. Governor Charles A. Templeton of Connecticut voiced his sentiments to the 1923 legislature when he declared that: "The adoption of such a plan is but the application of sound business principles which have long been successfully used by all well-managed industrial corporations. Such centralized purchases would result in incalculable benefits to the state. By standardizing and by quantity purchases of staple articles at competitive prices great savings in expense can be accomplished. Expert service in purchasing would also prevent wastage of supplies and materials and serve as a helpful preventive of unnecessary and unwise buying." He admitted that in the larger states of magnificent distances, certain practical difficulties might arise in the operation of such a plan, but Connecticut is a small, compact state, and with modern means of communication and transportation every institution is within convenient distance of the capitol, and these conditions are peculiarly favorable to the successful operation of centralized purchasing.

Governor Miller stated to the 1922 legislature of New York that the "human factor is undoubtedly a large element in the problem, but in my opinion the centralization of responsibility will focus attention upon the work and bring to light any errors or faults that may be committed, whereas now such error or faults, if they occur, are concealed by the numbers who may commit them and whose work is not under close observation. They would become critics under a centralized plan."

Governor Miller's assertions may have been based partially upon his observations of the county and city purchasing methods within his own state. For the 1921 legislature of New York had provided for local government centralized purchasing. New York cities of the first class containing one million inhabitants were authorized to maintain a municipal purchasing department to "consist of a purchasing agent, who shall be its head, and such assistants and with such salaries as the body which is by charter authorized to designate the number of

employees and fix salaries, may from time to time authorize. The purchasing agent shall be appointed and removable at pleasure by the same official or body who or which by charter is now authorized to appoint the heads of city departments. The purchasing agent shall appoint and remove at pleasure such assistants and employees as may be authorized." Unless the local legislative body shall provide otherwise the purchasing department "shall purchase and be responsible for the proper receipt of all materials and supplies, including those on which bids are obtained after publication of notice pursuant to law.

Similar provision is made for the smaller New York cities in that boards of contract and supply in second-class cities, and boards with similar powers in other cities, and the common council or similar legislative body in cities which have no boards of contract and supply or bodies with similar powers, shall make rules and regulations not inconsistent with general laws or their charter, which shall prescribe the procedure, conditions, methods and practices that shall prevail in regard to all purchases of materials and supplies by the purchasing department or agency, and all departments, boards, bureaus and offices of the city for which supplies are purchased shall obey and comply with such rules and regulations." The right to sell supplies is also accorded the city purchasing agency under qualified circumstances.

County centralized purchasing in New York was also authorized by the 1921 legislature by the provision that the "board of supervisors of any county not wholly within a city and having a population exceeding one hundred thousand and less than two hundred thousand inhabitants according to the last preceding federal census or state enumeration, may establish and maintain as a county charge a purchasing department or agency and appoint a purchasing agent to be the head thereof. The purchasing agent may appoint, and at pleasure remove, such assistants and employees, at such salaries or compensation, as the board of supervisors may authorize. Such purchasing agent may be removed by the vote of two-thirds of all the members elected to the board of supervisors after a hearing based on written charges preferred against such officer and served on him at least ten days prior to such hearing."

The duties of the county purchasing agent are similar in principle to those of the state agents, involving "all purchases, and all contracts for supplies, of every nature, for the county or for any county department, office, official, building or institution, or for which the county may in any event be liable." Supervision of the county pur-

chaser, is assured in the requirement that he "shall, upon the first day of each month, furnish to the board of supervisors and to the county comptroller or other chief fiscal officer or body a detailed statement, showing, up to a certain day of the preceding month, all purchases or contracts made by him, the quantity, price and total charges for each, and all supplies delivered and on hand and to what official, department or institution delivered. The county comptroller or other chief fiscal officer or body shall not audit nor pay any bill for supplies unless it shall fully appear that such supplies were ordered by the purchasing agent, and a bill therefor, duly verified, be presented to the said comptroller or other chief fiscal officer or body by the purchasing agent endorsed with his approval." Furthermore, all of the requisitions "received by the purchasing agent shall be filed in his office and shall be open to the public under reasonable regulations for their safety and preservation." Also, both the purchaser and some of his subordinates must file bonds with the county clerk approved by the county judge, after the manner of the requirements of some state purchasing agents. The analysis of state and local purchasing thus reveals the development of interlocking of administrative machinery within those co-operating governments.<sup>1</sup>

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**One House of Congress as Two.** It has apparently always been assumed that, for the representation of population on the one hand and the representation of the states as such without regard to popula-

<sup>1</sup> The statutes cited herein may be found in the volumes of session laws for the states and years indicated in the text. A valuable photostat compendium of certain provisions of many statutes enacted prior to December, 1921, is Wm. Webb and C. Eveleen Hathaway's *Digest of Laws on State Purchasing Departments*, New York State Library. A detailed analysis and criticism of provisions contained in most of the acts passed prior to 1920 is included in A. E. Buck's essay on "The Coming of Centralized Purchasing in State Governments," *National Municipal Review*, Supplement Vol. IX, No. 2, pp. 117-135, (February, 1920), New York Bureau of Municipal Research and National Municipal League. Type-written data pertaining to current developments in government purchasing is available at the New York State Library, legislative reference section. Professional opinions on such agencies may be obtained from *The Purchaser*, which is published by the National Association of Purchasing Agents. A general treatment of the theory and practice of the system is A. G. Thomas' *Principles of Government Purchasing* (1919), Institute for Government Research Studies in Administration.



tion on the other, the maintenance of the two houses of Congress is necessary. But the same results might be attained, and more conveniently, by either the house of representatives or the senate alone. The house of representatives alone would suffice if only for the final enactment of legislation there were required a second assent of the house voting as a senate—each state delegation having (to preserve the *status quo*) the same number of votes divided equally among its members. Likewise, a similar additional assent of the senate voting as a house of representatives would eliminate the necessity for the latter—each senator having a number of votes equal to the number of members to which his state would be entitled in a house of representatives (or a mathematically accurate apportionment might be substituted). Under either plan deadlocks could be averted at least as easily as they can at present. Of course neither plan is going to be adopted—very soon. They both seem almost too “easy” to be new, and perhaps they are not.

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## FOREIGN GOVERNMENTS AND POLITICS

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**The British Election.** After experimenting with coalitions and with a minority Labor government, the voters of Great Britain on October 29, in their third general election in two years, returned the Conservative party to power with a large majority over the combined opposition groups. Thus the traditional system of party government was restored.<sup>1</sup> The desire for stability and the fear of fundamental changes in the political and economic order were probably the chief causes of the overwhelming Conservative victory.<sup>2</sup>

In December, 1923, Stanley Baldwin, the Conservative premier, in seeking popular ratification for his tariff reform proposals dissolved parliament, although he had a comfortable majority in the House of Commons. The voters, however, rallied once again to the support of the historic free trade policy and while the Conservatives returned more members than any other party they lost their majority. The two wings of the Liberal party were reunited by the tariff issue and Labor greatly increased its power in the House of Commons.<sup>3</sup>

On January 21 following the election Mr. Baldwin's government was defeated by the Laborites and the Liberals and the king, following constitutional precedent, invited Ramsay MacDonald, leader of the Labor party, to form a ministry. The offer was accepted, in spite of the obvious difficulties inherent in continuous dependence upon the Liberals. For nine months the Labor government generally received the support of the Liberals, but only for policies which wholly satis-

<sup>1</sup> For a vigorous defense of the two-party system, see editorial in *Saturday Review*, Nov. 15, 1924, p. 488.

<sup>2</sup> *Times, Weekly Edition*, Oct. 16, p. 420; Nov. 6, p. 496. J. A. R. Marriott in *Fortnightly Review*, Dec., 1924 writes: "The issue was as plain as it was vital. The electors clearly perceived—that they were asked to pronounce for or against the principle of private property and individual enterprise; for or against the establishment of a really Socialist Commonwealth." P. 740.

<sup>3</sup> W. T. Morgan, *The British Elections of Dec., 1923, American Political Science Review*, May, 1924, pp. 331-340.

fied neither the Liberals nor Labor. When, in a speech at the National Liberal Club Mr. Asquith advised his followers to put Labor in office he pointed out that under a Labor government the Liberals would obviously hold the balance of power.<sup>4</sup> This "forced eating out of Mr. Asquith's hand" proved very unpalatable to Mr. MacDonald. The actual relations between the "allies" were characterized by mutual suspicion. Liberals frequently accused the prime minister of gross ingratitude, while the latter showed in speech and act that he despised and mistrusted the Liberals.<sup>5</sup>

In spite of many difficulties, however, the Labor government carried through a legislative program of considerable importance.<sup>6</sup> Mr. Snowden's budget calling for a reduction of the burdensome income tax rates met with great public favor. The Housing Act, which provided for an extension of the building subsidy scheme of the previous administration and added a subsidy to rents, was, however, widely criticised. Minor modifications were made in the old-age and unemployment insurance policies. Labor suspended the construction of the Singapore naval base, but despite protests began the building of several new cruisers. Its last important measure was that empowering the British government to appoint a representative for Ulster to act on the boundary commission in case Ulster should persist in refusing to appoint one. This latter measure received cordial Liberal support.

<sup>4</sup> *Times, Weekly Edition*, Dec. 27, 1923, p. 688. In the debate which resulted in the downfall of the Baldwin government Mr. Asquith made it clear that he did not propose to give a blank cheque to Labor. See *Ibid.* Jan. 24, 1924, p. 84.

<sup>5</sup> See C. F. G. Masterman, *The Dissolution*, *Contemporary Review*, Nov., 1924, for a Liberal's view of the relations between Labor and Liberals. *The New Statesman*, Oct. 11, p. 4, in an editorial says: "A very large majority of the House of Commons wishes him to remain in office at any rate until next summer, but he has deliberately challenged it on issues which it could not support without utterly humiliating itself. He has had a magnificent chance which he seems wantonly to have thrown away. As Foreign Secretary he has been an immense success; as Prime Minister he has been an utter failure. He has never recognized the inevitable limitations of a minority government. He has never poured oil on the troubled waters, but almost always has said the word that was best calculated to exacerbate party feeling. If he had treated his Liberal allies with even common courtesy he might have remained in power not merely until 1925 but for some years to come, possibly even for a decade."

<sup>6</sup> Wedgwood Benn, *Nine Months of Labor Government*, *Contemporary Review*, Oct., 1924, pp. 417-424; Harold Spender, *Is Liberalism Dead*, *Fortnightly Review*, Dec., 1924, pp. 731-737; *Times, Weekly Edition*, Oct. 2, p. 364; Oct. 16, p. 415; *Manchester Guardian Weekly*, Oct. 10, p. 308; *Nation and Athenaeum*, Nov. 8, p. 203.

The most important services rendered by the Labor government were, however, in the field of foreign relations.<sup>7</sup> Mr. MacDonald, who acted as foreign secretary as well as prime minister, succeeded in breaking the seemingly hopeless deadlock between Great Britain and France and in developing a spirit of cordial coöperation between the two governments. It was certainly no mean accomplishment to heal the Franco-British breach and to secure approval for the Dawes plan on both sides of the Rhine. It must, of course, be recognized that Mr. MacDonald did not achieve these results single-handed, that he was greatly aided by the political changes that took place in French politics. There is no doubt, however, that to him belongs a large share of the credit for the improved condition of British relations with other countries.

Shortly after it took office the Labor government officially recognized the Soviet government of Russia; whereupon it proceeded to negotiate a treaty with Russia, which was finally signed early in August.<sup>8</sup> This treaty was at once widely and severely criticised by Liberals and Conservatives, and by the business interests generally, and it became one of the chief reasons for the government's defeat and an important issue of the campaign. When parliament reassembled on September 30 Mr. Asquith at once handed in a motion for the rejection of the treaty on the ground that it, "instead of providing a genuine contribution toward solving the problem of unemployment, threatens to divert resources which are urgently needed for national and imperial development and amongst other objections, contemplates that the British

<sup>7</sup> *Spectator*, Oct. 18, 1924, p. 533 said: "We all acknowledge the dignity and distinction with which he [MacDonald] has spoken on many occasions, and we all acknowledge that in foreign policy he has interpreted the wishes of the country with more address, and perhaps with more insight, than any other Foreign Secretary of recent times." For a sympathetic review of Mr. MacDonald's work as Foreign Secretary see Hugh F. Spender, Mr. MacDonald at the Foreign Office, *Fortnightly Review*, Dec., 1924, pp. 782-792; also Sisley Huddleston, *New Statesman*, Oct. 18, p. 39.

<sup>8</sup> For a vigorous attack on Labor's recognition of the Soviet government see George A. B. Dewar, Britain's Recognition of the Soviet Government, *Foreign Affairs*, Dec. 15, 1924, pp. 313-319; also W. F. Lloyd, The Soviet, and Our Disgraceful Traffic With It, *Nineteenth Century*, Oct., 1924, pp. 487-493. For the Liberal attitude toward the treaty see The Case against the Russian Treaty, Supplement to *The Nation and Athenaeum*, Oct. 18, 1924; also *The Manchester Guardian*, Sept. 26, p. 261 and Oct. 3, p. 278. For the Conservative attitude see *Times, Weekly Edition*, Oct. 2, p. 356; Oct. 9, p. 387; Oct. 23, p. 448. For the Labor defense of the treaty see Arthur Ponsonby, The Case for the Russian Treaties, *Contemporary Review*, Dec., 1924, pp. 697-702.

taxpayer should be made liable for further loans to the Russian state raised by means of the guarantee of the British government, as the conditions upon which any part of the private claims of certain British creditors should be recognized by the Soviet Republic."<sup>9</sup>

It was, however, not the Russian treaty that was to be the immediate occasion for the defeat of the Labor government. Mr. MacDonald dissolved parliament because the House of Commons on October 8 adopted a resolution in favor of an inquiry into the dropping of a prosecution against a Communist editor charged with sedition.<sup>10</sup> Early in August the director of public prosecutions brought legal action against John Ross Campbell on the ground that he had published in the *Workers' Weekly* an article designed to promote disloyalty among the military forces. Later, the prosecutor withdrew the charges, in accordance with directions from the Attorney General, Sir Patrick Hastings. When the Communist party leaders stated that the responsibility for the withdrawal of the charges rested upon the Labor government alone, and that the government's action had been brought about by the pressure applied by Labor members of parliament, the opposition leaders were convinced that the government's action should not be allowed to go unchallenged. They saw in it a serious interference with the course of justice. Hence when the attorney general's replies to questions proved unsatisfactory to them the Conservatives introduced a resolution of censure. The Liberals submitted an amendment which called for the appointment of a select committee to inquire into the circumstances leading to the withdrawal of the prosecution. After a full discussion, the cabinet decided that the Liberal amendment would be unacceptable. In his speech before the annual conference of the Labor party Mr. MacDonald stated that the amendment was "conceived in the spirit of mediaeval crookedness and torture, that it was designed not to censure the government but only to insult it, not to execute it but to put it on the rack."<sup>11</sup> The vote on the Liberal amendment, which was supported by the Conservatives, was 364 ayes to 198 nays. The majority against the government was made up of 236 Conservatives, 121 Liberals, and 2 Independents. Fourteen Liberals, 2 Conservatives, 2 Nationalists, and 1 Independent voted with the government. On the following day (October 9) parliament

<sup>9</sup> *Times, Weekly Edition*, Oct. 9, p. 384.

<sup>10</sup> *Times, Weekly Edition*, Oct. 16, p. 414.

<sup>11</sup> *Times, Weekly Edition*, Oct. 9, p. 384, gives an abstract of Mr. MacDonald's speech.

was dissolved. The prime minister announced that polling would take place on October 29.<sup>12</sup>

Shortly after the dissolution the party leaders issued their election manifestos.<sup>13</sup> The Labor statement, signed by Mr. MacDonald, placed the blame for the election upon "a partisan combination of Liberals and Tories." It called attention to the progress made under Labor leadership toward the establishment of the peace of Europe, from the benefits of which Labor refused to exclude the Russian people. The proposed treaty with that country, it was claimed, would open new outlets for British manufactures and coal, and would be subject to parliamentary sanction in regard to all of its features. The government took credit for passing a great housing charter which would provide low rental houses and a continuing policy of slum clearance. Its first budget swept away £30,000,000 of taxes on food. "Apart from the necessary transformation of the whole industrial system," the government had done everything possible to relieve unemployment by working out a scheme of national development and by attempting to restore trade with other countries. Its policy was still: Work or Maintenance. Among the other plans "which the Liberals and Tories combined to stop" were mentioned: the reorganization of the mining industry, the railroads, and canals on the line of national ownership, the taxation of land values, a system of national power stations, the prevention of profiteering, and a further restriction of rents. The manifesto concluded with an appeal for the establishment of a "really Socialist Commonwealth."

The Conservative manifesto, issued by Mr. Stanley Baldwin, blamed the government for forcing a rush election because of its fear of an impartial inquiry in the Campbell case and for patching up an indefensible treaty with the Soviets. It ascribed to the government nothing but utter failure in dealing with unemployment. Although a general tariff was no part of the Conservative program, the party promised to "safeguard the employment and standard of living of the people in any efficient industry in which they were imperilled by unfair competition by applying the principle of the Safeguarding of Industries Act." Industrial revival, according to the manifesto, could be secured by measures of imperial preference. The party proposed to summon a conference to inquire into the problem of agriculture and to appoint a royal commission to investigate the cost of foodstuffs. Mr. Baldwin

<sup>12</sup> *Times, Weekly Edition*, Oct. 16, p. 414; *Manchester Guardian Weekly*, Oct. 10.

<sup>13</sup> *Times, Weekly Edition*, Oct. 16, p. 412; *Manchester Guardian Weekly*, Oct. 17.

appealed for "a broad and stable government based on an independent majority in parliament."

The Liberal statement was signed by Mr. Asquith and Mr. Lloyd George. Like the statement of Mr. Baldwin, it placed responsibility for the election upon the government and attacked it for declining an inquiry into the Campbell case and for evading a parliamentary discussion of its "reckless proposal to guarantee, at the risk of the British parliament, a loan to the Communist government of Russia." The party had rejected the crude Labor schemes for nationalization, but it had supported every move for sound social reform. The party promised to restore agriculture by a policy which would "combine advantages of ownership and of tenancy without the disadvantages of either," and to make coal a great national asset by empowering the state to acquire all mineral rights and to provide state assistance and direction in building super-power stations. It reiterated its devotion to free trade and advocated electoral reforms which would bring about a real correspondence between electoral strength and parliamentary representation.

Nominations were made on October 18. Thirty-two members were returned unopposed: 16 Conservatives, 9 Laborites, 6 Liberals, and 1 Nationalist. For the remaining 583 seats there were 1393 candidates, distributed among the parties as follows: Conservatives, 518; Constitutionalists, 10; Laborites, 500; Liberals, 333; others, 32. Excluding the two-member, Ulster and university constituencies there were 226 three-cornered contests and 314 straight fights, of which 50 were between Conservatives and Liberals, 44 between Laborites and Liberals, and 217 between Conservatives and Laborites.<sup>14</sup> An interesting feature of the election because of its bearing upon the real issues of the campaign was the number of cases in which a Liberal or a Conservative candidate withdrew in order to prevent the Labor candidate from winning in a three-cornered contest.<sup>15</sup> In the 1923 election Labor secured in the single-member constituencies more than 60 seats by a minority vote. In some thirty of these there were no Liberal candidates in the 1924 election, while in ten of the others there were no Conservative candidates. These so-called "pacts" proved to the advantage of the Conservatives.<sup>16</sup>

<sup>14</sup> *Manchester Guardian Weekly*, Oct. 24, p. 344; *Times, Weekly Edition*, Oct. 23, pp. 440 and 442.

<sup>15</sup> *Times, Weekly Edition*, Oct. 16, p. 412; *Manchester Guardian Weekly*, Oct. 17.

<sup>16</sup> *Times, Weekly Edition*, Nov. 13, p. 530. See also Hugh Dalton, *The General Election*, *Contemporary Review*, Dec., 1924, pp. 688-692.

The campaign was brief, even for a British election, but it lacked nothing in intensity. The party leaders made extensive speaking tours and belabored each other without mercy.<sup>17</sup> Mr. MacDonald delivered his first important address in Glasgow. The real cause of the forced election, he said, was Labor's success in governing the country. This had distressed the Liberals and the Conservatives so much that in spite of their mutual suspicions they had laid their heads together and plotted the downfall of the government. They had scoured the fields to find prejudices against him and had finally decided that he had been tampering with justice. He wanted capital and credit for British industries, but was sure that markets were equally essential. The proposed loan to Russia was designed to provide markets for British goods. The proceeds of the loan would be spent in Britain for British goods, and would thus never leave the country at all.<sup>18</sup> The advantages of the Russian treaty and the success of the government in foreign affairs and in finance were the chief points stressed by the Labor candidates.<sup>19</sup>

In his Queen's Hall speech Mr. Baldwin said that the ministry had been controlled by its extremist elements and had thus been unable to play the part of a patriotic and constitutional government. He prophesied that if Labor should secure a majority the country would be in for a period of reorganization of everybody and everything. Private enterprise, given fair play, meant to him efficiency. He blamed the Socialists for not having done anything to relieve unemployment and for having increased the doles. He thought they were indeed the "cheapjacks" of politics.<sup>20</sup> Condemnation of the Russian treaty, the dangers of socialism, and the desirability of maintaining the historic institutions of the country, were the main topics discussed by the Conservatives.

Mr. Asquith, Mr. Lloyd George, and the Liberal candidates generally advanced arguments that were quite similar to those of their Conservative opponents. There were the same attacks on socialism, on the Russian treaty, and on Labor's failure to solve the problem of unemployment, freely interspersed among arguments seeking to prove that

<sup>17</sup> The most bitter speeches of the campaign were made by Lord Birkenhead and Mr. Churchill, the latter having again become a Conservative. See *Nation and Athenaeum*, Oct. 25, p. 139, for an estimate of Lord Birkenhead's campaign methods.

<sup>18</sup> *Times, Weekly Edition*, Oct. 16, p. 412.

<sup>19</sup> *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 468.

<sup>20</sup> *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 470.



the country's salvation lay in a middle course between reaction on the one hand and radicalism of the red variety on the other.<sup>21</sup>

A few days before the election the public was deeply stirred by the exciting incident of the Zinovieff letter. On October 24 the Foreign Office published a letter signed by Zinovieff, president of the central committee of the Third International, and addressed to the British Communist party. The letter urged English Communists to prepare for the proletarian revolution by fomenting disloyalty in the military and naval forces and by spreading seditious propaganda among the working people. The government published at the same time a vigorous protest which it had forwarded to the Soviet authorities. The British note held the Russian government responsible for the act of the Third International and called attention to the fact that the Zinovieff letter constituted a clear violation of a solemn agreement recently made by Russia to refrain from spreading propaganda in the British Empire. On the day following, the Russian government, through its chargé d'affaires, M. Rakovsky, answered the Foreign Office note and called the Zinovieff letter "a gross forgery and an audacious attempt to prevent the development of friendly relations between the two countries." It protested strongly against the use of a "forged document" in accusing the Soviet authorities, and demanded an apology.<sup>22</sup> An interesting point in the controversy was the fact that a Conservative newspaper published the letter at the same time that it was given to the press by the government. In some of his speeches Mr. MacDonald gave the impression that he believed the letter authentic, but he admitted that he did not understand how it came into the possession of the Conservative press. The Labor headquarters, however, issued a statement which declared: "It is singular that copies of the letter were in the possession of the Daily Mail and the Conservative Headquarters before it had been issued by the Foreign Office to the general press."<sup>23</sup>

The Liberals and the Conservatives naturally made the most of the embarrassing situation in which the Labor government found itself.<sup>24</sup>

<sup>21</sup> *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 470.

Mr. Lloyd George gave considerable attention to the question of land reform for which he proposed a new scheme.

<sup>22</sup> The Zinovieff letter, the Foreign Office note, and M. Rakovsky's reply are printed in *Times, Weekly Edition*, Oct. 30, p. 473, and in the *Manchester Guardian Weekly*, Oct. 31, p. 372. The issue is analyzed in the latter, p. 366.

<sup>23</sup> *Times, Weekly Edition*, Oct. 30, p. 468.

<sup>24</sup> Hugh Dalton, The General Election, *Contemporary Review*, Dec., 1924.

Mr. MacDonald's statement that the Foreign Office note was given to the press before he had been allowed an opportunity to see it in its revised form, accompanied by proofs of the authenticity of the letter, was singled out for special criticism as casting aspersions on the officials of the Foreign Office.<sup>25</sup> If the letter was authentic, it was pointed out, it was strange that the prime minister should have continued to advocate his treaty with a government whose promises to refrain from subversive propaganda had again been proved of no value. If, on the other hand, the letter was a forgery—a "despicable plot," as he had intimated in one of his addresses—then he must justify a vigorous protest against a "forged document" by his own Foreign Office.<sup>26</sup> Before the Labor government gave up office it made a hurried investigation of the whole affair, but finally announced that it had been unable to come to any definite conclusion as to the authenticity of the letter.<sup>27</sup>

The Zinovieff letter doubtless cost the Labor party many votes. It greatly added to the already prevailing hysteria caused by the discussion of the proposed Russian treaty and the Campbell case. "Millions of electors," says one of the Labor candidates, "one must suppose, honestly believed that Labor candidates, and members of the Labor government were personally implicated in a 'plot' to raise a 'Red Army' in Britain, to drown the existing order of society in a 'bloody revolution,' to destroy the Christian religion, to confiscate all private property, and to 'nationalize women.'"<sup>28</sup>

That the voters of the country were greatly aroused by the issues of the campaign was shown by the large vote polled. The *Times* estimated the electorate at 20,641,342, and in its final analysis of the voting it states that the actual votes cast numbered 16,639,760, or slightly more than eighty per cent. The following table shows how

<sup>25</sup> See editorial in *Times, Weekly Edition*, Oct. 30, p. 476, and editorial in *Manchester Guardian Weekly*, Oct. 31, p. 362.

<sup>26</sup> The inconsistencies in Mr. MacDonald's statements in regard to the letter are skillfully exposed in a leading article in *New Statesman*, Nov. 1, pp. 100-101. The suggestion is made that the letter was a hoax that originated in the Secret Service. For a scathing analysis of Mr. MacDonald's course in regard to the letter see *Spectator*, Nov. 1, pp. 630-1; 632.

<sup>27</sup> *Times, Weekly Edition*, Nov. 13, p. 530. The Baldwin government shortly after taking office stated in a note to M. Rakovsky that it considered the Zinovieff letter authentic. It also informed the Soviet authorities that the Russian treaty would be dropped. *Times, Weekly Edition*, Nov. 27, p. 586.

<sup>28</sup> Hugh Dalton, The General Election, *Contemporary Review*, Dec., 1924.

the votes were distributed in the 1923 and 1924 elections, together with the number of seats each party obtained in the two contests.<sup>29</sup>

PARTY	VOTE IN 1923	MEMBERS AT DISSOLUTION	VOTE IN 1924	MEMBERS IN NEW PARLIAMENT
Conservative.....	5,497,476	258	7,864,402	413
Labor.....	4,372,474	193	5,508,482	151
Liberal.....	4,262,264	158	2,929,571	40
Constitutionalist.....			175,285	6
Others.....	329,638	5	162,020	5

The foregoing table shows that under the present electoral system, and with three strong parties in the field a minority of the electorate can secure an overwhelming majority in the House of Commons. The Conservatives, with but 47 per cent of the voters, secured 67 per cent of the seats, while the other parties combined, with 53 per cent of the voters, secured only 33 per cent of the seats. The Conservative party obtained a member for every 19,000 votes; the Labor party, one for every 36,000; and the Liberal party, one for every 73,000. The Labor delegation in the House of Commons was reduced from 193 to 151; but the Labor vote was increased by 1,136,000.<sup>30</sup> A considerable part of this increase was the result of the larger number of candidates in constituencies where formerly the Labor party had none. In the same way a good part of the falling off in the Liberal vote was due to the smaller number of candidates.

The following tables, prepared on the basis of the election returns published in *The Times Weekly Edition*,<sup>31</sup> show the results of the two-party and triangular contests, exclusive of those in the two-member constituencies, those in Northern Ireland, and the university seats. The second table shows also the number of victories each of the major parties won by majority votes and by pluralities.

<sup>29</sup> Nov. 20, p. 556.

<sup>30</sup> The Liberals who had suffered most from the unrepresentative electoral system were naturally the most vigorous critics of it. *The Outlook*, Nov. 8, p. 322, however, in commenting on the calculations of the advocates of electoral reform, which showed that under proportional representation the new House would have been much like the old one, says that the country should be grateful for the present system. See *Manchester Guardian Weekly*, Nov. 7, p. 386.

<sup>31</sup> Nov. 6, pp. 498-502.

*Two-Party Contests*

	CONSERVATIVES VS. LABOR		CONSERVATIVES VS. LIBERALS		LABOR VS. LIBERALS	
	Won by Con- serva- tives	Won by Labor	Won by Con- serva- tives	Won by Liberals	Won by Labor	Won by Liberals
London Boroughs*	20	4			5	1
English Boroughs†	49	26	5	1	6	6
Welsh Boroughs	1	1			2	1
Scottish Burghs	9	9	1		6	2
English Counties‡	49	20	38		4	2
Welsh Counties	1	4		1	2	5
Scottish Counties	10	7	4		1	1
Total	139	71	48	2	26	18

\* In one constituency a Communist won over a Constitutionalist.

† In a Sheffield district a Conservative won over an Independent; in a Birmingham district Austen Chamberlain won over a Communist. There were four straight contests between Constitutionalists and Labor. Of these each party won two.

‡ There were three contests between Constitutionalists and Labor. Two of them were won by Constitutionalists.

*Triangular Contests*

	CONSERVATIVES		LABOR		LIBERALS	
	Major- ity	Minor- ity	Major- ity	Minor- ity	Major- ity	Minor- ity
London Boroughs*	8	6	3	7		1
English Boroughs†	24	27	2	14		2
Welsh Boroughs		3				1
Scottish Burghs‡		2		1		
English Counties§	62	28	1	10		
Welsh Counties		4				1
Scottish Counties		10		1	1	
Total	94	80	6	33	1	5

\* In one contest a Liberal won a minority seat over a Communist and a Conservative.

† In one constituency a Conservative won by a majority over a Liberal and a Communist; in another a Constitutionalist won a minority seat over a Laborite and a Liberal.

‡ One Liberal was elected by a minority vote over a Communist and a Laborite.

§ One Constitutionalist was elected by a minority vote over Labor and Liberal opposition, while another (Churchill) won by a majority over a Liberal and a Laborite. One Independent was elected by a minority vote over a Laborite and a Liberal.

In Northern Ireland two Conservatives were returned unopposed. The other ten seats were won by the Conservatives by large majorities over their Republican opponents. Of the university seats the Conservatives secured seven, the Liberals three, and the Independents one. Conservatives won fifteen seats in the two-member districts, the Liberals and Labor three each, and Independents one.

The most striking result was the rout of the Liberal party. A large number of its most trusted leaders, including Mr. Asquith, went down to defeat. Mr. Lloyd George, however, retained his seat by a large majority over his Labor opponent, Professor A. E. Zimmern. As soon as the extent of the Liberal defeat was known the leaders of the party set about reorganizing their shattered ranks. At party conferences the policy of withdrawing Liberal candidates and thus insuring Conservative victories was strongly condemned. Mr. Asquith urged that in succeeding elections the party should place candidates in all constituencies. Only by so doing, he declared, could the party's appeal be made effective, for the voters would not show confidence in an organization that by its small number of candidates admitted that it accepted a minority status.<sup>32</sup>

The Labor leaders expressed themselves as pleased with the results they had obtained. Although they deplored their loss of seats, they pointed to the increased number of votes in the country. They freely stated that their main object, the destruction of the Liberal party, had been realized. "At all events," declared the *Daily Herald*, "the election results clear the air. Now we know where we are and what forces we have got to conquer. We have shaken off false friends. . . . The three party system was a nuisance. The English mind could not understand it. It would have taken us a long time to destroy it by gradually beating the Liberals. Fortunately they decided to save us this trouble; they have committed suicide. There is now no Liberal party. There are only fragments which will rapidly be absorbed either into Toryism or into Labor."<sup>33</sup>

<sup>32</sup> *Times, Weekly Edition*, Nov. 13, p. 530; *Manchester Guardian Weekly*, Nov. 7.

<sup>33</sup> Quoted in *Living Age*, Nov. 22, p. 405. For views relative to the future of the Liberal party see *Nation and Athenaeum*, Nov. 8, p. 206, and *Spectator*, Nov. 22, p. 769. *The Saturday Review*, Nov. 1, p. 437, agreed with the Labor view in regard to Liberalism saying, "Next to the extent of the Conservative victory the most remarkable result of the election has been the Liberal catastrophe. English Liberalism is in its death agony. Nothing could have pointed more surely to its senility and decay than the barrenness of its propaganda during the campaign, both in its press and on its platforms." Mr. Churchill credited the Liberal disaster to its mistake in putting Labor into power; *Times, Weekly Edition*, Nov. 6.

On November 4 Mr. MacDonald resigned and the king summoned Mr. Baldwin and invited him to form a ministry. The new Conservative cabinet contains the following members: Mr. Stanley Baldwin, Prime Minister, First Lord of the Treasury, and leader of the House of Commons; Mr. Austen Chamberlain, Secretary of State for Foreign Affairs; Lord Salisbury, Lord Privy Seal; Marquess Curzon, Lord President of the Council and leader of the House of Lords; Lord Cave, Lord Chancellor; Mr. Winston Churchill, Chancellor of the Exchequer; Sir William Joynson-Hicks, Secretary of State for Home Affairs; Mr. L. C. M. S. Amery, Secretary of State for the Colonies; Sir L. Worthington-Evans, Secretary of State for War; Lord Birkenhead, Secretary of State for India; Sir Samuel Hoare, Secretary of State for Air; Mr. W. C. Bridgeman, First Lord of the Admiralty; Sir Philip Lloyd-Greame, President of the Board of Trade; Mr. Neville Chamberlain, Minister of Health; Mr. E. F. L. Wood, Minister of Agriculture and Fisheries; Sir John Gilmour, Secretary for Scotland; Lord Eustace Percy, President of the Board of Education; Sir Arthur Steel-Maitland, Minister of Labor; Sir Douglas McGarel Hogg, Attorney-General; Lord Peel, First Commissioner of Works; and Lord Cecil, Chancellor of the Duchy of Lancaster.<sup>34</sup>

ELMER D. GRAPER.

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**Political Science in Great Britain and France.**<sup>1</sup> In response to requests for information concerning recent developments in political science in Great Britain and France, the following accounts were received from Professor Harold J. Laski, of the London School of Economics and Political Science, and M. Maurice Caudel, of L'École Libre des Sciences Politiques and editor of the *Revue des Sciences Politiques*:

*Great Britain.* It will be well-known to American students of political science, especially since Professor Fairlie's very careful survey in a previous number of the *Political Science Review*, that there is practically no organized study of political science in Great Britain. There is no Political Science Association; there is no review wholly devoted to its problems, since the death, in 1915, of Professor Adams'

<sup>34</sup> *Times, Weekly Edition*, Nov. 13, p. 528.

<sup>1</sup> Presented by F. A. Ogg to the Round Table on Comparative Government at the Washington meeting of the American Political Science Association, Dec. 31, 1924.

admirable *Political Quarterly*; and, outside the London School of Economics and Political Science, there is little attempt at its organized teaching. For the most part, our universities are content with a course of lectures on the government of England, and critical accounts, of widely varying quality and content, of the philosophy of the state.

This does not imply that excellent work is not done in political science by Englishmen; but it would be true to say that, apart from its legal and historical sides, it has not been usual for such work to be done in the universities. The best administrative studies usually come from civil servants like Sir Courtenay Ilbert, in the last, and Sir Arthur Salter, in the present, generation; the best general essays have come from the amateur at the center of things, like Bagehot and Sir Sidney Low. I do not seek to account for this situation; but it is not inadvisable to bear it in mind in reading the remarks which follow.

Mr. Ogg has asked for a general account of what has happened in political science in the last year. I am tempted to reply simply that some books have been published, none of them remarkable, but a few very useful; that, through the medium of the Institute of Public Administration, the civil service has begun to realize the great contribution it has it in its power to make in political science; and, thirdly, that certain small changes in the emphasis of doctrine are perceptible. I shall deal separately with each of these.

Of books, the most important single volume is Mr. E. A. M. Lloyd's *The Mechanism of Certain State Controls*. This is a full and impartial account, with the necessary documents, of the vast experiments in socialization undertaken by Great Britain during the war. Its conclusions bear out very strikingly Sir Arthur Salter's views in his *Allied Shipping Control*. Another volume of interest is Mr. H. B. Lees-Smith's *Second Chambers in Theory and Practice*, a careful and interesting survey which may be taken to summarize the reforms a Labor government would attempt if it got a majority in the House of Commons. A third book which has been widely recognized is Dr. Herman Finer's *Representative Government and a Parliament of Industry*, on the whole the best existing account of the Economic Council in Germany and its workings. Other books which have great merit are, Ilbert and Meston, *The New Indian Constitution*,—a friendly account,—and A. Corthill, *The Lost Dominion*, easily the best statement of the case for "diehardism" in India; with both of which should be compared B. G. Sapre, *Government of British India*, which is the best single-volume analysis of that government's evolution and struc-

ture. These are all on the administrative side. On the historical, I know only of two books, *Social and Political Ideas in the Middle Ages* (ed. Hearnshaw) in which there are admirable essays by Principal Barker, Miss Power, and Mr. Jacob, the last of whom is rapidly making himself the first authority in England on his subject; and C. R. and M. Morris, *Short History of Political Ideas*, which will interest the American teacher as showing what that subject means at Oxford. A new series of political reprints has also been started, in which the *Vindiciae contra Tyrannos*<sup>2</sup> constitutes the first volume. On the side of theory, the only work of any significance is Mr. A. D. Lindsay's paper in the *Proceedings* of the Aristotelian Society; though, with the permission of the sociologists, I should like to claim Professor Hobhouse's *Social Development* for political science and mark it out as the most distinguished book of the year.

On the legal side there are two books and three controversies to be noticed. Mr. A. B. Emden's *The Civil Servant and the Law of the Constitution* is pioneer work of its kind, and wholly admirable work; and Mr. C. T. Carr's *Delegated Legislation* is a model of succinct yet suggestive statement. The controversies of importance are those over the Irish deportations, on which see *in re O'Brien*, and the legal press of March-May 1923; the problem of the royal power in relation to the dissolution of Parliament, on which see the references in my *State of Parties and the Right of Dissolution*; and the Campbell case, which raises the question of the judicial nature of the Attorney-General's Office, on which see Hansard, Oct. 8, 1924, and a letter from Sir H. Stephen in the *Times* of October 7.

Books apart, the outstanding fact in our political science at the moment is the renewed interest in a scientific public administration. That is shown not only by the foundation of the Institute and its journal; not only, also, by the work of recent royal commissions and departmental committees, of which that on local government is perhaps the most notable, but, above all, by the degree to which it is now becoming possible to obtain a considerable audience for lectures and books upon this subject. The value of government publications is more widely realized than ever before; and the reports of the Works Committees of 1917, and of the Machinery of Government Committee of 1918 have sold ten times more widely than was anticipated. There is in contemplation a series of monographs on the government departments; and the Fabian Society proposes to issue pamphlets on public administration and its reform.

<sup>2</sup> Edited, with an admirable introduction, by Mr. Laski (F. A. O.).



In political theory, little has happened that is creative. The deaths of Bosanquet and Bradley remove the most considerable figures in English political philosophy since T. H. Green; and Sir Henry Jones, though not an original thinker, was at least a popularizer of eminent ability. On the Hegelian side, no one, at present, seems likely to take their place; the leaders who remain,—Cole, Russell, Hobhouse—are all anti-idealist in outlook. But it must be confessed that the left wing has not produced a coherent philosophy of their own. Mr. Wallas becomes more and more a pure psychologist; Mr. Ginsberg is devoting himself to sociological method; Mr. Cole has taken to history; and Mr. Russell is revising *Principia Mathematica*. Mr. and Mrs. Webb have produced in their *Constitution for a Socialist Commonwealth* a brilliant study of institutions, but it is not a philosophy. Mr. Tawney's *Acquisitive Society*, the most influential English book of the last fifteen years, deals with only one aspect of the problem. Idealism is still the dominant note at Oxford and Cambridge, largely, I believe, because no attempt has been made at the coherent statement of alternative views. In 1920, guild socialism was the fashionable doctrine of the time; its influence is now almost negligible. Its importance has come to lie in its emphasis upon industrial decentralization, and it is generally agreed that it is not a theory of the state.

In conclusion, I may perhaps venture to add my conviction of the importance of a more frequent exchange of opinion on these matters between England and America. In the first place, our knowledge of American institutions is pathetically small; and, secondly, much American knowledge of us is rather external than intimate. If, one day, the Political Science Association could, like your lawyers, hold its annual conference in London, it would, I am sure, receive the warmest of welcomes as a mark of the gratitude we should feel.

HAROLD J. LASKI.

*France.* The most significant tendencies which the study of political science in France presents today are: (1) centralization in Paris; (2) emphasis upon social observations; (3) the variety of interests and of research; and (4) propensity to popularization.

Centralization is a natural result of our political system. Not only is Paris our governmental and administrative center from which all initiative comes; the indispensable instruments for work are found within her walls. Public and private libraries and collections of archives there are incomparably more numerous and rich than in any

other French city. The specialists there are very numerous and make up, so to speak, a large permanent congress in which the exchange of ideas and of criticism is exceptionally facilitated.

It would be a mistake, however, to consider the provinces inhospitable to intellectual life. The people of the provinces read more than those in Paris; in Paris time is often lacking. They pay more attention to the lecturers who come their way. They carefully collect and assimilate the work of Paris. They have also manifested fruitful initiative. Regionalism has led to many investigations. Local societies have carried on some interesting research. Distances, however, and the scattered means of information are such that it is often difficult to carry very far an investigation which is not purely local or fragmentary without going to Paris or consulting the authorities there. Hence, political studies are necessarily centralized in the capital.

In the second place, our political sciences are clearly tending toward social studies. In this connection a few facts are very significant. Fifty years ago, Émile Boutmy founded the *École des Sciences Politiques*. Under its fruitful stimulus, people began taking interest in political studies, observing, especially, general political phenomena. Twenty or twenty-five years later, the *Musée Social*, the *Collège Libre des Sciences Sociales*, and the *École des Hautes Études Sociales* were founded, one after another. These titles alone will indicate the evolution which was accomplished in this brief time. It is quite possible that it was due partly to fad—to the somewhat passive obedience to a trend of general ideas, a seeking after an attractive title which catches the attention and claims the interest of the public. But still that proves the existence of the tendency in question, the trend or bent of public curiosity.

A third characteristic may be noted in the variety of interests and of research; and this is perhaps the most important. The number of listeners is increasing from day to day. They came first from the instructional staffs of the institutions which I have named. But their crowded ranks have been extended much further, so as to include a vast number of public-spirited seekers who, either by their natural predilection or by some happy chance, have become attached to tasks of this nature. Hence, there has been a very abundant production. Hence, also, sometimes there have been inequalities, weakness, and lack of uniformity. Beside the book of sound scholarship, which is written only after mature reflection, stands the polemic, composed by a person of preconceived ideas; alongside the historical work based on

Careful and exact analysis of documents, is the book which was written deliberately in support of a definite proposition. And it is not always easy to differentiate between these. In this mass there is some dross, but there are also not infrequent nuggets of good metal.

The tendency toward popularization is the last characteristic of which I should like to speak. It is an obvious tendency. It is noticeable both in the school and in the press. The research professor is glad to have huge audiences in which the student is drowned by the wave of the general public. The benevolent lecturer, professor, or more or less occasional orator, vies with him in this respect. Paris offers exceptional opportunity for this sort of thing. Some of the institutions named are located at the very doors of our University, barely across the street, as if they had been set up there with the thought of welcoming the overflow from the neighboring lecture-rooms or of satisfying whatever curiosity had not been appeased in them. In this respect, that quarter of Paris which extends from Saint Germain des Prés up to the Montagne Sainte Geneviève presents an aspect which I believe is absolutely unique; during the winter and for a good part of the spring, at all hours of the day, throughout the week, its every corner reëchoes with lectures on all sorts of things and with a richness and variety which it would be difficult to conceive of elsewhere. In the past few years, this activity has been going on in summer—much earlier in the season than formerly—along with the summer courses which are given especially for foreigners.

There is the same variety and the same inclination toward popularizing by means of the printed book. It is true that people still write very learned treatises which, being very serious, and even tedious, are hardly available for the ordinary reader. But the same authors still find time to compose books for everybody, which, though usually shorter and simpler, are not always short, and which answer a very real curiosity, for the public receives them well.

The fact that these lecturers and these authors find auditors and readers is a good augury for our national education. Before the public, our studies take on a color, a similitude of life, which they would never acquire in the solitude and silence of the closet.

Turning to the materials for work, we note that in France they are as abundant as in other countries,—sometimes more so. They are generally sufficiently classified and in reach of the seeker. However, on this point, some gaps are still to be filled. The catalogues of our large libraries are not all published or easy to consult,—for example,

the catalogue of the *Bibliothèque Nationale* is not yet complete. More modest and more specialized collections are often known only to a few and escape the attention of foreigners. I have cited the library of the *Musée Social*. There are others of the same sort. New collections are being established. Among these is the *Bibliothèque du Musée de la Guerre*, which possesses all the documents relating to the history of the war and constitutes a remarkable collection. Our archives are being extended and filled in constantly. Those of the ministry of the colonies have been recently classified.

But libraries and archives offer their treasures especially to the historical sciences, which are only one branch, and naturally not the most vital branch, of political science. In the other branches, we are suffering from the same deficiencies as are felt elsewhere. The seeker has not at hand the exact, dependable complete information which is indispensable for drawing final conclusions from the study of facts. He has to investigate for himself, with difficulty and at great expense, to collect figures, facts, and documents from day to day, more or less at random, in so far as his means will permit. He has no collections in which the facts gather and line up of their own accord, as if automatically. Some periodicals deal with classifications of this sort. Their resources and their means are limited. Sometimes their efforts do not last. So far as I know, the conditions are no better elsewhere. What we need is a strong organization, able to carry on a continual effort,—to collect, day by day, facts, figures, and documents, or at least summaries of the latter and bibliographical data about them. Only with this would the political sciences of contemporary observation be able to come to positive conclusions.

A word about methods of work. What has been said concerning the difficulties of documentation leads me to call attention to the increased care of scholars in this direction. They are making praiseworthy efforts toward documentary information. A result is the tendency toward specialization. The worker is limiting the field of his observations. He is confining himself to a circumscribed zone which he goes over constantly and which he explores in its innermost recesses.

This tendency, however, does not proscribe more pretentious undertakings nor the cultivation of general ideas. And, in our science, we constantly see a clash of the two kinds of minds which make up the learned world—they are perhaps a little more opposed in France, on account of our national characteristics. On the one hand, we see the people who are occupied with passively collecting, classifying,

stating facts. These are the observers. On the other hand, there are those who cannot confront a group of facts without looking for the causes, deducing the results and taking them as a basis, even though it be an unsteady one, for building up the lines at least of a thesis, if not of a whole system. These are the reasoners.

One side works *ad narrandum* and the other *ad probandum*. Each follows his own temperament, in which they are decidedly right, since, if they tried to do otherwise, they would be condemned to sterility. And there would be no harm in this double tendency if the distinction between the two were as clear as it seems at the outset, and if we could house their works in different corners of our libraries. But such is not the case. The two temperaments are often found in the same man, and they clash in the same work. This brings to the reader the serious problem which constantly occurs in all political studies: "Who is the author?" "What is his value?" "What is his estimate worth?" These are difficult questions to answer, for the two temperaments mingle, and clash constantly. They come together in the operation of analysis. The observer calculates more; at least he says so. The reasoner has more mettle; at least he seems to. . . . This problem takes on a peculiar gravity in our largely conjectural sciences, in which we move with difficulty on account of the changing and dim light which we get from exuberant, unequal, and vague information."

MAURICE CAUDEL.

## REPORTS OF THE SECOND NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

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### INTRODUCTION

The following quotation from an economist is of great significance to the modern student of politics. "There is danger that the natural sciences must always outstrip the social sciences. In the first place, the natural sciences can use the experiment method, and the social sciences have hardly yet devised an adequate substitute. Then again in the natural sciences, the inventor and original thinker is rewarded and honored, but in the social sciences the inventive mind is more or less ostracised and new ideas that touch upon the key problems of modern life, namely, the control of human and economic activities, are at once branded as radical and dangerous." This apparent discrimination against the social sciences is entitled to careful consideration. Is it a necessary difficulty inherent in the very nature of the social disciplines? Or is it due, at least in part, to inadequate and inconclusive methods of social research?

Without attempting to speak for the other social sciences, the writer has but little doubt that much of the hostility encountered by the political pioneer is due to the unscientific character of his conclusions. The announcement of new discoveries by the scholar in material sciences is generally accompanied by a summary of material evidence, practical tests, precise measurements, or actual demonstrations, that afford strong and persuasive evidence of the reality of the discovery. The issue of the validity of the new theory is generally reduced to a question of fact, for the proof or disproof of which objective evidence is available.

Compare this procedure with that used in connection with the announcement of new suggestions, theories and ideas of political science. How many contributions to political thought or to governmental theory have been preceded by a patient, painstaking gathering of all the evidence and facts that might be material in determining the validity of the new discovery? How many even go through the form of striving to ground their theories on a basis of ascertainable facts? In view of the

attendant circumstances it is not even passing strange that new political theories, which frequently encounter existing prejudice and deeply rooted convictions, should be received with either hostility or indifference. But the important question is, is this evil an inherent one?

It is true that this apparent antagonism to new political discoveries has been occasionally relied upon as a moral alibi for the lack of a more aggressive campaign of political research. But is this a fair attitude to assume? Is it not more in the nature of a challenge than an excuse? Does it not point the way to the necessity of placing political research upon a scientific basis of objective fact? Is there any reason to suppose that the truth about government will find a more hostile and belligerent opposition than the truth about biology, chemistry, or physics, when it is accompanied by a body of objective evidence, scientifically arranged?

The unfortunate element in the situation is the painful fact that the pressure of every-day political problems requires the application of new theories before there has been time for appropriate investigation and research. The author does not wish to imply a criticism upon those who, under the stress of modern political needs, have offered what tentative ideas they had, without waiting to check their accuracy through the slow-moving methods of scientific investigation. To have thus withheld one's contribution to the public problems of the hour would frequently have been in clear violation of patriotic duty. Professor Merriam has made a valuable suggestion in this connection. He distinguishes between political prudence and political science. The opinion of public men and of political scholars may be of great value in determining public questions upon which scientific studies are not available. But such opinions, valuable tho they may be, can not be the basis of political science, and it is the business of the latter so to extend and perfect its technique and increase its activities, that more and more of the field now preëmpted by political prudence will be occupied by a science of politics.

The need of placing political science upon a really scientific basis will be obvious to everyone. There is scarcely a phase of the subject that does not offer the most alluring and virgin opportunities. Moreover, these opportunities are of more than academic interest. The results of scientific investigation would be, in many instances, of incalculable value to the efficiency of our governments and to the tremendous interests that they serve.

The real difficulty has been, not in a lack of vision on the part of the profession, nor in any spirit of indifference to the public welfare, but in the lack of scientific technique. Those who have attended the Conferences on the Science of Politics can have no doubts as to the genuine eagerness of the profession to advance scientific methods, nor as to just where the real difficulty lies. The great obstacle to scientific progress is found in the lack of technique and method. The relation of political theory to objective evidence and to the science of statistics is not so obvious as in the material sciences. There may always be some political questions that will elude any effort to reduce them to questions of fact, of objective treatment, or of precise quantitative measurement, but there can be no doubt that much of our political experience is capable of accurate measurement and scientific generalization if we can only find the method.

We need, first, a more penetrating analysis of the various problems of politics in the light of the possible evidence that may be available. This will lead to the process of restating these problems in terms of tentative principles that the student believes to be involved, and which he believes may be capable of objective treatment. Then come the questions of what facts are relevant, what facts are available, how may they be secured, how can they be measured, and how should they be treated to afford the basis for accurate generalization?

The problem is complicated by two factors. Material science may frequently use the method of the controlled experiment in which all the factors have been removed, save those to be observed, and where the process may be repeated at will, until all opportunities for study and observation have been exhausted. Unfortunately, this process is not so available to the student of politics, altho the report of the round table on Politics and Psychology contains some interesting suggestions looking toward controlled experiments in dealing with the problem of investigating changes of opinion. The other factor of real difficulty lies in the fact that much of political research involves a use of the materials of other sciences than our own, with which the political scientist is not equipped to deal, and where the other sciences have made no contribution of particular applicability to our needs.

An example in point is found in the relation of psychology to political science. The personnel problem of public administration, which involves, among other things, the working-out and administering of efficiency tests, and testing out of the tests, requires a working knowledge of psychology's contribution to the technique of mental measurement.



The problem of public opinion, mass psychology, the rôle of suggestion in political propaganda—in fact, the whole field of what might be called the psychology of political behavior—illustrates very nicely the necessity for coöperation in technique and method between the two disciplines involved. It is futile to wait for the psychologists to preëempt the field, or to expect their coöperation, until we have analyzed our problem, and stated to them our specific needs. What is true of the relation of psychology to political research is also true, to a more or less extent, of the science of statistics, as well as of other allied branches of specialized knowledge.

One of the interesting outcomes of the Conference was the almost spontaneous unanimity with which the directors reached the conclusion that every round table needed the presence of both a psychologist and a statistician. The fact that the director of one of the groups was a psychologist of note and that a group of eminent psychologists found it possible to attend the Conference, is a matter of more than passing significance.

It is in the solution of this complex problem of method and technique, involving several points of view, requiring the coöperation of different disciplines, and demanding inventive ingenuity; creative imagination, powers of analysis and synthesis, a wide range of knowledge and practical experience, and originality and resourcefulness, that an exchange of ideas and the stimulus of mutual criticism and suggestion, such as comes out in round table conferences, seem to reach maximum efficiency. For this reason the Conference on the Science of Politics was planned on the round table idea. The one great object was the study and development of a scientific technique for political science. This seemed to call for just the kind of mutual counsel, suggestion and criticism that intensive round table conferences would produce. Consequently the Conference was divided into eight round tables with permanent memberships, and to each group was assigned a special topic of investigation. Each group then spent the week formulating the tentative theories they believed to be involved and working out the methods by which the accuracy of such theories could be scientifically determined by objective evidence. Each round table periodically reported its tentative conclusions at a plenary session of the whole conference. A final report of the week's work of each round table was prepared by the directors and they are published herewith.

From a survey of the work of the Second Conference there emerge four definite impressions that are significant. First, the almost unan-

imous agreement that the process of perfecting a scientific technique of politics will be greatly facilitated by the coöperation of the psychologist and the statistician. This feeling found a definite expression in the unanimous approval voted by the Conference to the specific recommendations of the round table on Politics and Psychology, that courses in statistics and psychology be required as an early part of the advanced training of students of politics. Second, a remarkable demonstration of interest in the problems of the Conference on the part of a group of eminent psychologists who attended the Conference and played a very active part in its deliberations. Third, the Second Conference was marked by definite improvement over the accomplishments of the First Conference. This was due partly to the momentum created by the First Conference, partly to the improvement in the personnel of membership. Practically the entire membership was composed of people who came to work definitely on some problem and there was an absence of the casual visitor and observer. To a large extent the groups took up the work where it had been laid down a year before, without nearly the amount of lost motion, futile maneuverings, and indefinite objectives that necessarily characterized the initial efforts of the opening Conference. Fourth, the feeling that the Conference had a permanent and important place in the development of political science, seemed to be definitely established among all those present.

The writer is prevailed upon to repeat here some remarks made upon another occasion, but which seem apropos. If the reports of the Conference seem to be naive, elementary, and inconclusive, there is no reason for discouragement. One has but to recall how inadequate and naive now seems the simple technique that ushered in the application of scientific method to the material sciences. In a recent address, Dean Slichter of the University of Wisconsin has emphasized this fact and cited the following minutes, abstracted from a record of a meeting of the Royal Society held September 10, 1662.

"It was order'd, at the next meeting Experiments should be made with wires of severall matters of ye same size, silver, copper, iron, etc., to see what weight will breake them; the coratour is Mr. Greene.

"Dr. Goddard made an experiment concerning the force that presseth the aire into lesse dimensions; and it was found, that twelve ounces did contract 1/24 part of Aire. The quantity of Aire is wanting.

"My Lord Brouncker was desired to send his Glasse to Dr. Goddard, to make further experiments about the force of pressing the aire into less dimensions.

"Dr. Wren was put in mind to prosecute Mr. Rook's observations concerning the motions of the Satellites of Jupiter.

"Dr. Charleton read an Essay of his, concerning the velocity of sounds, direct and reflexe, and was desired to prosecute this matter; and to bring his discourse again next day to bee enter'd.

"Dr. Goddard made the Experiment to show how much aire a man's lungs may hold, by sucking up water into a separate glasse after the lungs have been well emptied of Aire. Sevrall persons of the Society trying it, some sucked up in one suction about three pintes of water, one six, another eight pintes and three quarters, etc. Here was observed the variety of whistles or tones, which ye water made at the several hights, in falling out of the glasse again.

"Mr. Evelyn's Experiment was brought in of animal engrafting, and in particular of making cock spurs grow on a cock's head."

It is but commonplace to mention that scientific method applied to material sciences has revolutionized the world. Again quoting from Dean Slichter, "Man now knows that disease may be cured, that life may be prolonged, that much human suffering may be prevented. The control over natural processes given by science, the control over human happiness given us by modern medicine, he is now convinced must be matched by a control even over destiny itself. Man has not yet reached this mastery, but he has reached the belief in its possibility. He is no longer willing to bow down to fate or to resign himself to all of the tragic elements in life, as did the ancients; rather he is demanding deliverance through the researches of economic science and through the understanding of history. The World War has taught him that the great power over the processes of nature may be used quite as well for his destruction as for his advancement. The New Philosophy that produces a thousand tons of poison gas in a day and tens of thousands of machines and aeroplanes to discharge it, is not a philosophy that of itself will lead men to better things. . . . The scientific revolution has advanced man further in his control over nature than in his control over himself. When millions of lives may be obliterated by a chemical formula, there is required a subjugation of human selfishness, such as never before was demanded. But poison gases are not the only compounds that threaten society. Modern business methods and the modern system of industrial development, contain poisons and explosives, more destructive, perhaps, than material reagents. If we can establish no control over the selfishness of men, these powers must tend to become more threatening and more ruthless until civilization itself will be in danger."

The need of today is for developing the power-controlling sciences until they equal the efficiency of the power-creating disciplines, to the end that mankind can become the conscious arbiter of its own destiny. We must evolve a system of social control by which reason rather than passion will be the dominating power. This necessity is tragically evidenced by the present status of international affairs. Among the peoples of all the great nations of the world today there seems to be an agonized desire for peace. And yet humanity stands helpless and impotent. The forces that make for war and desolation are scarcely checked in their apparently resistless march. Our civilization is unable to control itself, to realize its ideals, to accomplish its most cherished ends. The only hope seems to lie in the development of the power-controlling sciences, until mankind can devise the means by which its noblest aspirations may prevail. However humble be the present achievements in developing a technique of politics, its importance can not safely be ignored. The hope of the future seems to lie in a continuous and insistent struggle to devise a technique for the power-controlling sciences that will be adequate to the tremendous problems of modern life.

ARNOLD BENNETT HALL,  
*Chairman.*

#### ROUND TABLE ON POLITICS AND PSYCHOLOGY

##### THE SIGNIFICANCE OF PSYCHOLOGY FOR THE STUDY OF GOVERNMENT AND CERTAIN SPECIFIC PROBLEMS INVOLVING BOTH PSYCHOLOGY AND POLITICS

1. *Purposes of the Round Table.* The round table on politics and psychology formulated its objectives in line with those of the conference, which were to discover the technique and the methods by which the study of politics may become a science. Professor Merriam distinguishes between political prudence and political science. By political prudence he means the gathering of opinion, expert opinion if possible, to serve as the basis for intelligent action. By political science, as science, he means the statistical and quantitative analysis of the phenomena of politics so that political action may be based as far as possible on scientific evidence rather than upon personal opinion and judgment.

The study of politics takes its place with economics, sociology, education, psychology, and other social sciences which are in various stages of advancement in scientific technique and method. In this type of

comparison the study of politics is less developed than economics, for example. Education has established itself as a social science with a vast array of technique and method for quantitative analysis. Sociology is one of the less developed of the social sciences in that it has not yet developed much in the way of technique for scrutinizing the causal relations in the field of its subject-matter. Among the social sciences psychology occupies a middle place as judged by its available technique for scientific inquiry.

The different branches of psychology are not equally well developed. Thus, the experimental psychology of the sense organs has a highly developed technique for exact measurement comparable with the technique of the biological sciences, whereas social psychology is the least developed of the psychological branches in this regard. Unfortunately, considering the development of method, it is largely from social psychology that a contribution may be made to the study of politics and since this branch of psychology is one of its youngest, the contribution must necessarily be meager. On the other hand, psychology has developed, perhaps farther than the other social sciences, the statistical and biometric methods for the study of groups. Since the biometric methods are fundamentally the same in their various applications to biological and social data the psychologist can make this type of contribution to the study of politics. His contribution will be partly in his capacity as a biometrician and partly in his capacity as a psychologist. The psychologist can assist in the formulation of social psychological problems of interest to the political scientist, and the biometrician can assist in the formulation of the statistical and experimental controls by which scientific inquiry may be successfully pursued.

2. *What Constitutes a Problem in Social Science?* The first session was devoted to a discussion of what constitutes a scientific problem in the social sciences as distinguished from historical inquiry, philosophical speculation, and the expressions of personal opinion and judgment. This distinction is easily made in the exact sciences, but it is frequently confused in the social sciences where the distinction is not often sharply drawn. Every scientific problem is the search for the relation between two or more variables. Before the problem can even be stated or clearly comprehended, each of the variables must be stated separately. Each variable must be so described that it is clear what is meant by more of it and less of it. If this more-and-less aspect of the variable can not be clearly stated, some other basis must be used for dividing the variable into discrete categories each of which is defined. Thus public opinion

is not a variable because there is no possibility of defining what is meant by much public opinion or by a little public opinion. However, the number of votes cast for or against a proposal is a variable because it has a clear quantitative aspect. Occasionally a factor such as race does not lend itself readily to treatment as a scale with high and low values, but such factors must then be classified into discrete groups so as to make quantitative analysis possible.

Every scientific problem can be stated in the form of the question "What is the relation between A and B?" or "What is the effect of A upon B?" It is a pretty good test of any proposed problem in the social sciences to determine whether it can be phrased in this way. If it can be so stated, it is a bona fide problem. If it can not be so stated, the proposer probably needs to do some more thinking before his problem is ready for scientific inquiry. Then, the units of measurement must be explicitly stated so that another investigator will comprehend it.

When a problem has been stated as above outlined it is ready for the ingenious investigator. The task is then to invent the methods and the technique by which the relation may be established empirically. This phase of the solution of a scientific problem is one which gives unlimited opportunity to scientific ingenuity. The subsequent analysis of the paired observations of the two variables in the problem should be guided by the statistical and biometric methods which constitute essentially a system of logic for the evaluation of mass data.

The several stages in the solution of a scientific problem can be summarized as follows:

1. A felt social need which requires analysis, satisfaction or cure.
2. The phrasing of the need, or perhaps a small part of it, in the form "What is the effect of A upon B?"
3. The definition of the variables A and B, preferably in quantitative terms.
4. The adoption of a unit of measurement for each variable.
5. The experimental arrangement by which paired observations may be obtained for A and B.
6. The statistical analysis of these observations to determine, objectively, the degree of the relation and the nature of the relation between A and B.
7. The interpretation which consists in reading causality into the observed concomitance of the two variables.
8. The formulation of more problems which arise from doubts in the interpretation and from which the cycle repeats itself.

3. *Pre-scientific Studies.* Before quantitative work can be begun in the social sciences it is perhaps characteristic to find a period of speculation and historical inquiry relating to the subject. Out of much study come the hypotheses that can, at a later time, be subjected to quantitative scrutiny. It is frequently possible to discuss these hypotheses gleaned from historical and other informal evidence without seeing the immediate possibility of experimentally verifying them. Such theories, doctrines, and hypotheses break up gradually into groups of more specific questions that may be studied with the quantitative controls of scientific method. This will probably be the case with such questions as the influence of Nordic or Mediterranean nationalities on American civilization. The question can not itself, and in such a form, be subjected to scientific study, but it will in time break up into many specific questions that do lend themselves to rather well-controlled scientific study. For this reason we must be content with the realization that much of the important subject-matter of a social science will necessarily be speculative during the earlier phases of its development, and we must make the attempt so to phrase our speculation that it looks ultimately toward specific and quantitative verification.

4. *Proposed Psychological Problems in the Science of Politics.* In his essays on *Politics and Psychology*, Professor W. H. R. Rivers has suggested a number of problems some of which could probably be attacked with profit even at the present time. One of his suggestions concerns the relative effectiveness of committees for advisory and for executive functions. His guess is that the committee organized for advisory functions is serviceable, whereas the committee which is organized for an executive function is of questionable value. A case study of pooled experience on this problem might yield empirical data of considerable value. The presence of a single dominating figure in a committee and the presence of indifferent committee members and their effect on the committee's work are further problems on which a profitable case study might be made.

Professor Rivers has ventured the assertion that the successful leader is one who makes his appeal primarily to the emotions and not to intelligence. It would seem possible to verify or refute such an hypothesis by the study of many successful and unsuccessful leaders and the relative degree to which they depended on emotional and intellectual appeal for their support.

Another of his many suggestions is contained in the following quotation (page 72): "I have suggested that the social counterpart of the

nightmare is the revolution; and if the effects natural to the experience of social wrongs are not allowed to find expression in such a way as will lead to the recognition of the wrongs and to the measures which follow upon this recognition, there will sooner or later be violent and unregulated all-or-none manifestations comparable with those of the nightmare". This is a problem in which the historian, political scientist, and the psychologist could cooperate with profit. The study should be made by the case method and the analysis of each case should follow informally a common plan or schedule. It was Professor Rivers' thought that much legislation which is aimed to cure a social wrong accomplishes little more than the palliatory measures of a physician who relieves the symptom without diagnosing its deeper cause. Just as the mental hygiene movement is now giving attention to preventive measures by which mental evil may be anticipated and avoided, so the political scientist should attempt so to diagnose political evil that legislation may be preventive rather than curative in character. This is an informal type of inquiry out of which will come ultimately more specific questions that can be solved by quantitative empirical methods.

5. *Methods for Investigating Changes of Opinion as Expressed by the Ballot.* The projects discussed in the conference divided themselves into two large classes, namely, those which concern the change of opinion and those which concern leadership. The opinions which are recorded in a ballot are probably affected by a number of factors some of which may be experimentally analyzed. The following problems were discussed by the conference:

The effect of reading persuasive material on the ballot. In this type of experiment a ballot would be taken on some question such as prohibition, war, or any issue on which public opinion varies. The subjects in the experiment would then be asked to read persuasive material for the issue, other subjects would be asked to read persuasive material against the issue. The effect of the reading would be ascertained by a second ballot.

The effect on the voter of announcing the majority opinion. In this experiment a ballot would be taken on any suitable issue after which the vote of the majority in the group is announced. A second ballot is then taken in order to determine this effect.

The effect of announcing the opinion of alleged experts on the ballot. This is again similar to the previous experiment except that between the first and second ballot is inserted an announcement of the opinions of experts to determine the effect on the balloting.



The relative effect of oral and written presentation of persuasive material. This type of experiment can be arranged according to the same general plan as the previous ones but it is more difficult to control so that the conditions can be reproduced by other experimenters.

Such experiments can be varied by introducing material which is neutral as far as the subjects in the experiment are concerned, but which has in reality a calculated effect on the subjects. Thus in an experiment of the first type the subjects were asked to ballot on their attitude toward war which was phrased in a number of statements. The reading material introduced between the first and second ballot related to children and the readers probably assumed this material to be neutral as far as the peace and war proposals were concerned. It was found experimentally, however, that the effect was to increase the pacifistic opinions as shown on the second ballot. We have here in miniature and in experimental form the effect of propaganda in which opinion is influenced by presentations that are thought of as neutral by the readers but which are intended to have a definite effect on their opinions. This type of experimentation is very suggestive for further work of a similar kind.

The experimental measurement of nationality, race, sex, schooling, age, economic status, occupation, religion, and other factors as determinants of opinion. Such experiments would have for their object the determination of group differences in opinion on stated issues.

The effect of the factors listed above and others on the willingness to change opinion on public issues. This type of experimentation could be carried out by submitting to people a list of proposals for changes in the established order with or without some reasons for the proposed changes. It would be illuminating to study the group differences in willingness to consider the feasibility of changes in the established order. It would probably be found that some of the groups as defined above would be so set in their opinions that they would not even consider the proposals as even possible while other groups would be more open-minded in expressing their willingness to consider revisions in the customary social habits and traditions.

A parallel experimental study could be made of the group differences in the effect of different types of material on changes in opinion. Such studies might reveal that certain groups are more easily persuaded to change their opinions than other groups. In order that such experimentation may be at all trustworthy it would be necessary sooner or later to carry out the experiments on a sufficient range of issues to establish general principles.

Experiments could be carried out by asking the subjects to assign their reasons for voting as they do on the first ballot. The persuasive reading material would then be presented. On the second ballot there would be changes of opinion by some of the subjects. It would then be possible to determine empirically whether those who assign certain typical reasons are more or less easily persuaded to modify them than those who give other types of reason. If such findings should reveal any general principles they would be useful in predicting the changeability of opinion in terms of the reasons assigned for them.

The ballots should be arranged so that the voter expresses not only what his opinion is but also in some manner the strength of his conviction in voting. If the subject is prohibition the voters might check various statements that they endorse. These statements should include extreme temperance statements, statements favoring a moderate government control, and statements endorsing complete license. The relative strength of the conviction of the voter could then be ascertained in his ballot and these relative degrees of conviction could be studied with reference to the variables above mentioned.

A variation of these experiments would be to ascertain the effect of secret and open ballots on the total vote. The experiment might be arranged either in the form of a "yes" and "no" ballot or in the form of graded statements which the subjects endorse or refuse. Still another factor is the comprehension of the reading material. Its effect on the final ballot might be ascertained by comparing the graded ballot with the degree of comprehension of the reading matter, which should of course be determined by objective tests.

An important qualitative study would be the psychological analysis of the personalities that react negatively to the suggestions in the reading material. It was found in the preliminary experiments of Mr. Sturgis that some of the subjects modified their voting in a direction opposite to that of the reading material which was inserted between the first and second ballots. If negative suggestibility can be experimentally verified as a characteristic of some individuals it should be an important consideration in any problem affecting the change of personal opinion. It would be rather easy to determine experimentally the relation between the intelligence of the subjects and their changeability in voting on several issues with two ballots and persuasive material between the two ballots.

A more or less qualitative inquiry would be a study of the relative effectiveness of emotional, dogmatic, and logical appeals on the chang-

ing of personal opinion. The effectiveness of each of these appeals may in turn be studied for each of the groups defined by sex, nationality, age, education, religion, and race. It is quite possible that these different types of appeal may be entirely different in their effectiveness for these different groups. Such studies cannot at present be reduced to an entirely quantitative form. However, enough can be done experimentally even with variables of this kind to remove the problem from pure speculation to the realm of empirical study.

6. *Plan for the Study of the Distribution of Opinion in any Given Population.* Professor Allport presented in outline form a plan for the study of the distribution of opinion in any given population. If prohibition be the issue chosen for experimental study the solution of the issue would be represented by a series of statements ranging from extreme abolition on the one hand to extreme individual license on the other hand. The statements numbering a dozen, more or less, would be arranged on a scale at the center of which would be a statement representing a middle ground, more or less neutral and not colored by prejudice or violence of opinion. It would then be possible to obtain a graded ballot from a given population so that the number of individuals in each population sanctioning each statement could be represented graphically. The highest ordinate on such a chart would represent the general tendency of public opinion in the given population. The shape of the distribution chart would itself be of considerable scientific interest. If the shape of that curve were studied before and after the presentation of persuasive material leaning toward one extreme, the effect of the reading could be ascertained in the modified shape of the distribution of opinion on the issue. It could then be ascertained whether it is the people in the general middle range or the people at the extremes who can be persuaded to shift their opinions by any specified amount as a result of the persuasive reading.

One of the fundamental problems in the study of distribution of public opinion would be the determination of the units of measurement that are to be used on the base line of the graphical representation. There is a logical analogy here with the steps in the educational scales that have been developed for use in measuring proficiency in handwriting and in other psychological and educational performances. It might be possible to use the principle of just noticeable differences as the unit of measurement by which the several statements that are used in the scale may be located at numerically assigned points on the scale.

7. *Study of the Relative Effectiveness of Different Methods of Propaganda.* Perhaps one of the most interesting of the larger psychological problems in the science of politics is the analysis of the methods that have proved successful in propaganda, including war propaganda, drives for benevolent causes, and the propaganda by which large corporations have successfully changed public opinion about them. The first step in such an inquiry would probably be to collect a considerable number of descriptions of successful and unsuccessful propaganda methods. The specific instances should be collected so that the material is historically accurate. A free and informal psychological analysis may then be made of the methods that seem to be successful and out of such a study there should come a number of psychological hypotheses regarding effective propaganda methods. Some of these principles might later be subjected to empirical verification by controlled experiments. Such a study would make interesting reading and it offers the opportunity for ingenuity in extracting the common psychological principles. Although such studies are not now quantitative there must first be some hypotheses or problems before any definite experimentation can be begun.

A slightly more specific study would be to analyze the propaganda by which public opinion is stirred up to war and also the rate at which the war hatred returns to a normal attitude between the two countries. The former problem is the more difficult although it can be studied qualitatively. The rate at which two warring countries return to a normal attitude toward each other after peace has been declared can be studied in a roughly quantitative way. For example, after peace is declared an analysis could be made of the number of articles or editorials, or the amount of editorial space, given to antagonistic and to friendly comment about the other nation. Such tabulations could be made for weekly or monthly periods. This would show at least roughly the rate at which the return to normal international attitudes is approached. If the shapes of these curves should prove to be similar for several modern wars some illuminating psychological generalizations might be drawn from them.

8. *Possible Significance of the Study of Modern Methods of Publicity.* It was proposed that the scientific study of propaganda might be facilitated by a consideration of the methods that are used in advertising. Since advertising has been subjected to quantitative experimental study it might be possible to transfer tentatively some of the psychological principles to the field of politics in the experimental study of propaganda.

Such a consideration of the scientific study of advertising methods might at least yield hypotheses for experimental inquiry in the field of politics. A more specific project of this kind would be the study of the methods of newspaper publicity that have been employed by successful and unsuccessful candidates for political office.

It has been suggested that the votes on constitutional amendments in some states tend to correlate with each other when presented simultaneously. If public opinion is against one of the amendments it tends to draw a negative vote on any other issue which is presented at the same time. This would seem to be a rather simple problem to analyze if the data can be provided. It would consist in obtaining the inter-correlation of the votes on several simultaneously presented amendments. If these correlations are positive and clearly above the limits of chance these indices would practically prove that pronounced public judgment on one issue may drag with it the same judgment on other issues presented at the same time even though the several issues do not necessarily have anything in common.

In an entirely different experimental setting, but involving nevertheless the same fundamental problem of conditions under which public opinion can be modified, was the suggestion that the applause in a theater be loaded at different points in the play and that the suggestiveness of the audience be studied under these conditions. It would probably be found that the audience will take the suggestion of the loaded applause more readily at some points than at others. The results might be analyzed with the purpose of discovering the psychological principles by which the points of applause might be predicted. Such principles, if experimentally verified so as to establish their universality, would be of great commercial, political, and psychological interest. These experimental findings could be compared with the practices of loading the applause and popular approval at political conventions.

9. *Study of the Methods of Stimulating Voting.* Of more immediate significance are the studies of methods for stimulating voting. In these studies the end result which is measurable is the number of people who turn out to register and to vote. The independent factors which partly determine this end result include such measurable facts as the giving of information about the time and place of registration and voting, the necessity for registration, information about absent-voting laws, information about ballots and the details of voting, mailing persuasive literature, having competitions between small areas or groups for larger registration. The results would be measured in terms of the registration and the votes.

An experimental study might be made by means of a survey to determine the relation between the intensity of people's opinions and the percentage who go to the polls.

It might be possible to study the effects of different sorts of newspaper publicity on elections. The election results might be studied in relation to such factors as amount of newspaper space for and against, number of papers for and against as well as their circulation, amount of logical and of emotional writing, and other factors. These studies would be complicated by the fact that newspapers sometimes support the candidate or the issue which in their opinion will win the election in order to enhance their own prestige. This effect would have to be ruled out in some experimental procedure before the conclusions could be of fundamental significance.

It was suggested that straw votes be taken on a selected group of individuals at intervals of three months between March and November in order to ascertain the changeability of public opinion in specified voting groups.

Professor Shephard has recently published an article on the relation between the two-party system and the coöperative forms of sports. It is suggestive of the application of scientific method to social and political phenomena.

10. *Survey of Classical and Modern Political Writers with Reference to Psychological Principles.* One of the informal and qualitative studies of great importance in the scientific work toward a psychological understanding of politics would be a careful survey of the classical and modern writers on politics with special reference to the psychological principles which they either imply or state explicitly. Such a study should include a wide range of writers and the effort should be made to state the psychological generalizations that are involved. By comparing the generalizations so derived many hypotheses would appear that could be subjected to experimental or historical inquiry to establish their validity. This topic may be suggested as especially suitable for a seminar in the psychology of politics.

11. *Various Projects for the Psychological Study of Leadership.* The subject of leadership and its psychological analysis was the second large subject considered by the round table. A sub-committee made the following recommendations regarding projects for the psychological study of leadership:

1. The analysis of political leaders of the past in order to set up a provisional list of traits that characterize them as leaders.

2. The analysis of living leaders and non leaders by means of a personality questionnaire similar to that of Professor Allport of Syracuse University.

3. The analysis of thirty living leaders of recognized prominence by means of mental and physical examinations in which should be included various psychological and physiological tests that may be regarded as having possible significance.

4. The study of the relation of leadership in the adolescent age to leadership in the adult years.

5. The study of the academic associations of men who attained leadership later in life.

6. The study of the relation between leadership in childhood and the same trait in the adolescent age.

7. Exploratory studies of an intensive order of a small group of persons in order to determine if possible the psychological and environmental factors that make a leader.

Professor Yoakum suggested the possibility of what would amount to a job analysis of the political leader. He suggested a possible study of precinct leaders by means of a questionnaire or schedule which would bring out their essential characteristics. Three types of procedure might be used in case studies, namely: (1) the large group method in which several thousand precinct leaders would be studied by a schedule designed to get extensive information; (2) the selection of a sample of leaders from different types of groups; (3) the intensive study of five or six local political leaders.

The many ideas that appeared during the conference will probably be suggestive of the lines along which the problems of political science, or small parts of them, may be isolated for objective study. The contribution of the conference consists mainly in pointing out further the lines of progress in which statistical methods and psychological methods may be applied with profit in the scientific study of politics. Even if only a few of these suggestions should lead to studies of a scientific order the conference will have been distinctly worth while.

*12. Recommendation that Courses in Statistics and Psychology be Established.* In view of the fact that the students who are now majoring in political science are preparing themselves for productive work, and since the study of statistical theory and of psychology are essential for the mastery of the working tools by which the problems of the conference may be solved, recommendations were submitted to the general conference regarding the encouragement of students of political science to study these two subjects. The recommendations were as follows:

In order to provide courses in statistics and psychology which are suitable for students of government and for students in the other social sciences, and in order to secure proper recognition for such courses, it seems wise to address a communication to three organizations which can contribute in various ways to the end in view. It is, therefore, recommended that a communication be sent to the American Political Science Association, one to the Social Science Research Council, and one to the American Psychological Association. The three formulas recommended for these three associations are as follows:

First, to the American Political Science Association,—It is recommended that suitable courses in psychology and statistics be provided and required as parts of the early and advanced training of students in government.

Second, to the Social Science Research Council,—It is recommended that suitable courses in psychology and statistics be a part of the requirement imposed upon all students who are carrying on studies in the social sciences. A consideration of the type of courses in the subjects mentioned would be a suitable topic for a special committee to be created by the Social Science Research Council. To this end it is recommended that the American Psychological Association be invited to appoint representatives to a joint committee which shall include also representatives from the various social sciences. The joint committee thus constituted shall take up in detail the content and administration of courses which may properly be recommended as fundamental to the study of all the social sciences.

Third, to the American Psychological Association,—It is recommended in view of the wide-spread demand for suitable courses in psychology and statistics to serve as the foundation for studies in the social sciences, that the American Psychological Association appoint a committee to take this matter into consideration and coöperate with representatives of the social sciences to the end that a complete definition be arrived at of the topics and method of treatment of psychology suitable for students of the social sciences.

L. L. THURSTONE.



## ROUND TABLE ON POLITICAL STATISTICS

## THE MEASUREMENT OF PUBLIC OPINION

The round table on political statistics at the Chicago Conference dealt with topics of a different nature from those considered by the round table on the same subject the previous year at Madison. It was impossible, therefore, for this round table to begin where its predecessor left off. While its predecessor's work was continued by the round table on municipal administration, the round table on political statistics made a fresh beginning.

1. *The Meaning of Public Opinion.* Before even a beginning could be made, it was necessary to come to some agreement concerning the meaning of terms. Some members of the round table believed that there is no such thing as public opinion; others believed in its existence but doubted their ability to define it with sufficient precision for scientific purposes. Others again, more sanguine or perhaps more credulous, believed that the term could be defined, but were of different minds concerning the kind of definition that should be adopted. To reconcile these differences, it was decided first to consider the nature of opinion in general in the hope that a common understanding of the meaning of public opinion would emerge from the discussion.

To this end each member of the round table was asked to prepare a definition of the term "opinion." From these definitions nine questions concerning the meaning of the term were derived. After further discussion, it was decided that for the purposes of the problem before this round table the essential points in a definition of opinion could be narrowed to three: (1) opinion need not be the result of a rational process; (2) it need not include an awareness of choice; and (3) it must be sufficiently clear or definite to create a disposition to act upon it under favorable circumstances.

On the question when is opinion public, the round table was unable to come to a definite conclusion. The main points of disagreement were as follows: (1) whether there is and must of necessity be a single public opinion, or whether there may be a number of public opinions upon a given question; (2) whether opinion is public because of the subject-matter to which it relates or of the kind of persons who hold it; (3) what part of the public must concur in an opinion to make it public opinion; and (4) must there be acquiescence by those who do not concur. After some discussion of these points, it was agreed that an exact definition of public opinion might not be needed until after the technical problem

of measuring the opinions of the individual members of the public had been disposed of. It was decided therefore that the round table might well proceed to consider the problem of measuring opinion, especially that relating to political matters, and avoid the use of the term public opinion, if possible.

2. *Methods of Measuring Opinion.* Twenty-three methods by which opinion might be measured were suggested for consideration. These methods were arranged under four heads and then discussed, first by four committees of the round table and afterward by the round table as a whole. The first group of methods included all those based on the study of official election returns. The second group included those utilizing fair samples of the bodies of opinion to be measured, collected deliberately but unofficially. The third group included all methods utilizing voluntary or spontaneous expressions of opinion. The fourth included those which utilize the data that may be derived from the proceedings of legislative bodies and the acts of public officers of all kinds, possessing any representative character.

3. *Direct Votes Upon Measures and Candidates.* The most comprehensive as well as the most accurate method by which opinions upon political questions are measured, is direct voting at public elections upon measures or candidates. It is the only method which has been used in such a way as to furnish records readily available for statistical analysis, and it is the only one which considers the whole adult population. However, even voting upon measures, which obviously is a more exact indication of opinion upon public questions than voting upon candidates, has certain definite limitations: For example, a categorical answer must be given to questions which are often complex, and thus a misleading simplicity is obtained. Moreover, it fails to measure the intensity of opinions, and takes no account of the opinions, if any, of those who do not vote. Two definite proposals for further study of the problems involved in this method of measuring opinion were agreed upon: (1) the supplementing of the study made by Professor Merriam and Dr. Gosnell concerning the causes of nonvoting by a somewhat similar study of the reasons for voting; and (2) the further investigation of the comparative proportions of those entitled to vote who vote at special elections upon referendum proposals, whether constitutional or statutory, and at general elections, with a view to ascertaining the amount and causes of the difference, if any, and the significance of such differences.

4. *The Questionnaire as a Method of Measuring Opinion.* The second group of methods for measuring opinion includes particularly the taking of straw votes and the use of questionnaires. Practically all the discussion of this method was devoted to the problems connected with the use of the questionnaire: The over-representation of the interested, the literate and the well-to-do, the fairness of phrasing, the possibility of plural voting, the presence or absence of discussion, the maturity of the answer, the durability of the opinions so measured, the desirability of secrecy. Considering all these difficulties, certain members of the round table endeavored to frame a model questionnaire suitable for measuring opinion on a problem of contemporary interest. It is hoped that these members will be able to carry on such experiments with this questionnaire as will more accurately determine the usefulness of this method.

5. *Propagandist Organizations and Spontaneous Expression.* The third group of methods dealt with what may be termed unsolicited or spontaneous expressions of opinions. Among these are public hearings, voluntary party enrollment, lobbying, petitions, circulation of the press, public meetings, editorials, campaign contributions, speeches of public men, private research groups, letters to the press, the behavior of crowds, and propagandist organizations. It was found that certain of these, for example, letters to the press and private research groups, are of little importance, as being at best incapable of exact measurement. Others, as campaign contributions, although they may be of more significance as a means of measuring opinion, are not yet capable of very meaningful measurement. Still others, such as public hearings and the extent of the circulation of the press, while considered to be of considerable significance and capable of more or less accurate measurement, were not considered very carefully because of lack of time. It was deemed advisable to give nearly all the available time to the consideration of propagandist organizations. Their rapidity of growth, and their distribution, while susceptible of measurement, are of varying significance.

Membership lists, if accurate, and if made public, are of considerable importance. The number and character of the activities of such organizations, whether active or quiescent, whether, for example, they have speakers' bureaus, hold public meetings, issue pamphlets, and the like, may indicate with some exactness the extent to which an organization is really an index of opinion, an index, that is, not merely of the number of persons holding certain opinions, but of the intensity with which they hold them. Closely related to these questions is that of the extent to

which the activities of propagandist organizations stimulate their members to individual expressions of opinion through public or private letters, telegrams, petitions, etc. A pattern of the nature and activities of various propagandist organizations might perhaps be worked out so that it would furnish graphically and with a fair measure of exactness an indication of the extent to which these organizations are really to be relied upon in determining the extent and intensity of opinion. The round table was unanimously of the opinion that the public should know the facts concerning the membership and finances of all organizations designed to influence opinion on public questions.

6. *The Analysis of Opinion of Official Representatives.* The fourth and last group of methods under consideration for the measurement of opinions included those dependent upon an analysis of the opinions of official representatives of the public. These methods could utilize such material as the resolutions and other public acts of legislative bodies, recommendations and veto messages of chief executives, decisions of courts and administrative tribunals on questions of public policy, and the platforms of political parties. It was decided that at present a general answer to the question, "To what extent do these acts conform to the opinions of the electorate?" is impossible. Many people believe that the chief executive more correctly speaks for his constituency than does the legislature. Yet one of the tests of the accuracy of the executive's statement of what the people desire is the reception of his recommendations by the legislative body. It seemed advisable, then, that in developing these methods, a beginning be made with the legislative branch of the government. One problem for such a method might well be the determination, if possible, of the relation between the attitude of representatives toward measures in legislative bodies and the important characteristics and interests of the communities which they represent. This would involve detailed analysis of the environmental factors of all kinds, economic, social, racial, religious, which influence the opinions of individuals, a laborious undertaking, but one promising the development of a technique which would enable the political scientist, not merely to measure opinion when duly formed, but even to prognosticate it before it is formed.

At this point in its deliberation the round table was forced to adjourn by the expiration of its time; and the members separated in the belief that a beginning had been made from which the next round table on political statistics could make substantial progress.

A. N. HOLCOMBE.

## ROUND TABLE ON NOMINATING METHODS

THE DEVELOPMENT OF A TECHNIQUE FOR TESTING THE USEFULNESS  
OF NOMINATING METHODS

At the close of the first National Conference on the Science of Politics in 1923, the round table on nominating methods set for itself the task of developing methods for applying the nine tests agreed upon as probably useful in judging nominating systems. To this end each test was assigned to a member of the round table for detailed consideration. For a variety of reasons studies of the following items of the program were not completed: (1) The type of candidate; (2) the effect on the party system; (3) the effect on continuity in office; (4) the effect on majority rule. The first of these was assigned to a member of the 1924 round table, Mr. Frank Paddock, for a tentative report, which was received and discussed, with the result that this test, with the other three named above, was reassigned for research during the coming year.

1. *Influence of the Press under Different Nominating Systems.* While no formal or complete report was received concerning the relative extent to which the press dominates nominations under different methods, Miss Alma Sickler presented the results of an experimental study she had made with respect to the *Indianapolis News*, reputed to be an influence in Indiana politics. Miss Sickler had examined the files of this paper over a period of nearly thirty years to discover how frequently the success or failure of candidates in primary or convention coincided with support or opposition by the *News*. A number of questions were raised concerning the methods used, the most important of which concerned the relation between the circulation of a newspaper and its influences; what evidence proved the support or opposition of candidates by a newspaper; the importance of other factors in influencing elections. In view of the enormous labor involved in making a complete study involving many newspapers over the whole country some doubt was expressed as to whether further investigation along this line would be worth while. Nevertheless the round table was unwilling to abandon the problem, and with the report as a working basis the experiment is to be carried on more extensively in Indiana (Miss Sickler), Michigan (Mr. Reed), and Pennsylvania (Mr. Salter), and the statistical problems are to be referred by the chairman to some competent person for solution.

2. *The Effect of Different Nominating Methods on Public Interest.* Miss Sickler also presented a report on the methods of determining the

effect of various nominating systems upon public interest. The report suggested that the interest to be measured is not only the interest in the nomination, but also the interest in the ensuing election, and that the evidences of interest would be the amount and character of public discussion and the amount of participation in the nominating and elective processes. In the latter, voting statistics would form the basis of comparison and account would have to be taken of such factors as the difference between rural and urban communities, partisan as contrasted with the nonpartisan situations, the existence of good transportation facilities, organized efforts to bring out the voters on election day, and the number of actual contests in the election. The amount of discussion might be judged by the number of public meetings; the amount of space in newspapers devoted to political news, political editorials, advertising, and communications from readers; the number of political clubs and political social events, etc. The report was discussed and is to be mimeographed and distributed to the members of the round table for further consideration and criticism in anticipation of next year's meeting.

3. *Relation Between Different Nominating Methods and Political Corruption.* Mr. Kirk H. Porter presented a report on the relation between political corruption and the types of nominating system. This report emphasized the difficulty of defining corruption, of comparing the forms of corruption common under the convention system with those prevalent under the primary system, of getting reliable information, and of reducing corruption to any kind of common denominator. Its general conclusion was that it would be practically impossible to formulate a scientific or objective method of studying corruption. The discussion of the report revealed a difference of opinion about accepting this conclusion, and it was finally agreed that the chairman was to make further experiments with this test in California, where a considerable amount of information on the subject is available.

4. *Effect of Different Nominating Methods upon the Character of the Campaign.* Mr. John Alley presented his views as to the effect of the direct primary upon the character of the campaign. He had not found it possible during the year to formulate a method for objective study of the effect on campaign methods of different nominating systems. The discussion of this report revealed the difficulties of treating this subject scientifically, but it was agreed that the test was perhaps an important one which should be taken under consideration at some future time.

5. *Effect of Different Nominating Methods upon the Cost of Nominations.* Mr. Clarence A. Berdahl presented a practically complete and final report upon the methods of discovering and comparing the costs of nomination under different systems. In his report he suggested that the scope of any such investigation would include the cost not only to candidates and to party organization, but also to private individuals and organizations and to the state. He came to some conclusion regarding the time limits of campaigns and the kind of things which may be regarded as included in the term costs; indicated the kind of information necessary, the sources of such information, the methods of correcting data, the means of securing further information; and made an essay toward a bibliography of the subject. The report was discussed in detail and such questions were raised as whether registration costs should be considered as part of the cost of a primary election; whether separate studies should be made of legislative, executive and judicial nominations, or of local, state and national nominations; and whether the cost to private organizations or to the party organizations was really pertinent in comparison of various systems. The report is to be mimeographed and sent to the members of the Conference for their suggestions and it is expected that it may be perfected and made available to students before the next meeting of the Conference.

6. *Methods for Investigating the Effect of Nonpartisan Nominations and Elections.* A new venture for the round table was the consideration and criticism, at the request of Mr. J. T. Salter, of a plan for investigating the effects of nonpartisan nomination and election of officers in third-class cities in Pennsylvania. This project was somewhat outside the scope of the round table's work. However, it seemed to the members that when an investigator had a definite project and was encountering difficulties in working it out, perhaps no greater service could be performed by the Conference than to let him present his problem and secure what assistance he could from the other members.

7. *Summary of the Work of the Round Table.* The work of the round table on its various tests may be summarized as follows:

I. The type of candidate produced,—continued as an assignment to Mr. Waldo Schumacher, of Syracuse University, who is asked to present a report which may be mimeographed and distributed to the members of the group for consideration.

II. The cost of nominations,—passed the preliminary state and on the basis of Mr. Berdahl's report is to be criticised and perfected in the coming year.

III. The effect on the party system,—assigned to Mr. C. A. Berdahl, of the University of Illinois, for study and report at the next meeting.

IV. The effect on public interest,—continued as an assignment to Miss Alma Sickler, of Indianapolis, Indiana, and her preliminary report is to be mimeographed and submitted to the members for examination.

V. The effect on corruption,—offered some special difficulties and is to be experimented with as far as possible by the chairman.

VI. The effect on continuity in office,—assigned last year to Mr. J. F. Scott, of Columbia University, and is to be continued as a problem for him if he is able to undertake it.

VII. The effect on majority control,—assigned to Miss Louise Overacker, of Wilson College, for study and report at the next meeting.

VIII. The extent to which press domination is fostered,—to be studied by different members of the round table on the basis of Miss Sickler's preliminary report.

IX. The effect on campaign methods,—assigned to Mr. Kirk H. Porter, University of Iowa, for study and report at the next meeting.

8. *Recommendation of the Round Table.* The round table on nominating methods recommends that at the next conference a competent psychologist and a trained statistician be assigned to each round table. The experience this year suggests that much greater progress would have been made if some of the technical problems could have been quickly and immediately solved instead of having to be either laid aside or dealt with in an amateurish way.

The round table is under special obligation to Miss Louise Overacker who acted as secretary.

VICTOR J. WEST.

#### ROUND TABLE ON LEGISLATION.

##### THE DEVELOPMENT OF A METHOD FOR INVESTIGATING LEGISLATIVE LEADERSHIP

1. *Scope and Nature of the Problem.* The round table began its work with a number of negative agreements. It was first agreed that the group would not concern itself with the type, quality or motives of leadership, as these questions would involve ethical or philosophical considerations with which the members felt themselves incompetent to deal. Likewise all questions of the elements of personality, character, and conduct that go to make effective leadership possible were elimi-



nated, as falling more directly within the fields assigned to the two groups that are dealing with psychology and public opinion respectively.

An agreement was then reached that the work of the week was to be concentrated on two major problems: First, determination of methods by which the amount of effective legislative leadership (1) within the legislature, (2) by the executive, and (3) by forces outside the legislature, could be ascertained for any one session; second, to devise methods by which the influence of the different factors affecting the existence of legislative leadership could be objectively determined.

2. *Proposed Test to Determine the Existence of Effective Leadership within the Legislature.* The test of the existence of effective legislative leadership was believed to be the coöperation of the two houses and the governor to a sufficient degree to produce legislation. From this it followed that irreconciled opposition between the houses, such as would deadlock the legislature was evidence of the lack of leadership and that the enactment of relatively controversial measures was evidence of the existence of effective leadership. It was recognized that the term "relatively controversial" was indefinite, but nevertheless a necessary concept in determining the existence of leadership. It was thought that in applying this term the five following factors should be kept in mind: (1) Closeness of the vote; (2) party vote; (3) minority committee report; (4) amount of debate; (5) adoption of substantive amendments.<sup>1</sup>

By determining the number of times (and the length of each) a legislature was deadlocked and the number of controversial measures that were enacted in a given number of sessions, it would be possible to ascertain the average amount of leadership. By comparing the amount of leadership of any particular session with the average, it would be possible to estimate what effect, if any, the factors peculiar to that particular session, but absent from the other sessions, had had upon the matter of leadership.

<sup>1</sup> Mr. Briggs reported the results of an examination he had made of the problem of fluctuations in legislative policy over a period of ten years in the state of Iowa. This investigation showed that in 1913 two measures were passed and later amended, in 1915 no changes were made, in 1917 there were ten changes, in 1919 no changes, in 1921 four, and in 1923 five, making a total of twenty-one changes over a period of ten years and six regular legislative sessions. The changes made were without exception, merely technical changes, usually for the purpose of correcting errors in bill drafting. The conclusion to be drawn in this instance was, therefore, that so far as this study is concerned, the results obtained were negative. An absence of leadership was not indicated although, of course, neither was the existence of leadership demonstrated.

3. *Proposed Method for Determining the Effect of Different Types of Legislative Organization upon Leadership.* It was thought that the types of organization that were worth considering in this respect were the following: (1) Term of office of members of legislature and the basis of representation; (2) joint committees; (3) steering committees; (4) sifting committees; (5) conference committees; (6) rules committee; (7) floor leader; (8) temporary chairman of the committee of the whole.

It was suggested that the following methods be pursued in determining the effect of the different types of organization upon leadership: (1) tabulate the facts regarding the establishment and development of the different types of organization; (2) in the case of committees and floor leaders tabulate the times they have been overruled by the legislature and the times they have not been; (3) check the above observations by personal observation and field work; (4) correlate the above findings with the evidence of the existence of leadership. If, for example, it is found that the system of joint committees was established at a given date, that the recommendation of the joint committee was generally followed, and if it was found that the average amount of effective leadership preceptibly increased about that time, there would be some evidence of the influence of the joint committee system upon legislative leadership. It is believed that some such process will provide an objective method of measuring the value of these various types of legislative organization as contributing to effective leadership.

The question of determining the effect of the two-party system as distinguished from the one-party system upon legislative leadership was then considered. The following study was suggested: An investigation over a period of years of party organization in several states classified as two or one-party states, the results to be correlated with the results of the study of the amount of legislative leadership in these states over the same period. Such a study should take into account such variable but vital factors as factional differences, conflicts between rural and urban constituents, and similar circumstances.

4. *Evidence as to the Existence of Executive Leadership.* There was general agreement that the evidence of executive leadership was to be found in checking up on specific legislative recommendations of the governor to see what number were enacted, what number were voted upon but defeated, and what number never received any legislative consideration. In this connection the measure should be classified into such classes as the following: (1) measures for which the governor has drafted bills; (2) measures in which the governor has made unusual executive efforts; (3) measures which the governor has only nominally

supported. An average of the number of measures of each class enacted, defeated, or ignored over a period of years would establish an average as a basis of comparison. The above agreement was reached largely upon the recommendation of Mr. Stewart who led in this discussion.

5. *Proposed Methods for Determining the Effect of Various Factors upon the Existence of Executive Leadership.* The following study of the veto was suggested: (1) Note the number of vetoes overridden; (2) note the effect of the veto on the attitude of individual members (how many voted differently after the veto than before); (3) note the peculiarities, customs and traditions of a state regarding the veto (for example, in Iowa there have been only 68 vetoes since 1868, there apparently being a strong tradition against the use of the veto). By comparing the results of the above tabulations with the average amount of executive leadership in the state over the same period of years, it will be possible to determine whether there is any striking correlation between the use of the veto power and the amount of legislative leadership. Dr. Maxson led the discussion on the veto power.

The following methods were suggested for studying the effect of party leadership: (1) determine the number of members of the governor's party who support measures specifically advocated by the governor. A distinction should be made between one and two-party states in this connection and in case of one-party states any well defined factionalism should be noted. (2) Determine where party caucus has supported the governor's program, noting how many party members followed the caucus action; (3) check party platforms and determine whether there is any correlation between the platform and the governor's measures which succeed. (It should be noted in this connection that the method of making the platform in some states is subject to the governor's domination, in which case the results would lose their significance) (4) check one-party states as against two-party states and compare the relative amounts of executive leadership. •

The discussion of executive leadership through public appeal was led by Miss Rocca. The following line of investigation was recommended: (1) Check up instances where the governor has appealed to the public in behalf of legislative measures in regard to which the legislature has opposed him; (2) check up instances of a governor's appeal to defeat or elect legislative members because of their attitude toward his policy; (3) check up instances in which the governor has used the referendum to defeat, or the initiative to enact, measures in regard to which the legislature has opposed him. The data obtained by the above

methods should then be compared with the average amount of executive leadership during the period covered, and any significant correlation noted.

6. *Proposed Methods for Determining the Existence of Extra-Legislative Leadership.* It was suggested that the following studies would throw light upon the existence of extra-legislative leadership: (1) enumerate the total number of controversial bills drafted at the instance of private organizations, noting the number of cases in which such bills were supported by an active agent upon the ground: Note also the number finally enacted; (2) compare the total number of controversial measures enacted with (a) the number of such measures drafted at the instance of private organizations, (b) the number of such measures introduced at the instance of private organizations, (c) the number of such measures actively advocated by a representative of private organizations, and (d) the number of such measures actively opposed by private organizations.

There was general doubt as to the effectiveness of any method yet conceived for measuring the effect of the press on legislation. The difficulties in the way were thought to be the following: (1) But few state issues are discussed in the papers; (2) few papers of general circulation actively support or oppose specific state issues; (3) the instances in which papers did support or oppose specific state issues would be too small in number to afford the basis of any valuable generalization. It was thought that perhaps in the initiative and referendum states the papers might pay more attention to state issues and that the basis of a study might there be laid. The method of approach might be to tabulate the bulk circulation of the papers opposing and supporting specific legislative issues and determine if there was any correlation between the bulk circulation favoring or opposing certain issues and the ultimate legislative result.

It was thought that the most effective study of voluntary organizations should take up the various methods employed by them in influencing legislative action. The following things should be investigated: (1) The use of black lists; (2) coöperation between two or more voluntary organizations; (3) types of activity carried on by lobbyists; (4) participation in either primary or election campaigns for the nomination or election of legislative members. The results of each method employed by the different organizations could be compared with the effectiveness of the organization's efforts in getting measures enacted. This would give a possible basis for estimating the effectiveness of the different methods involved.

It was thought that a valuable investigation might be made of the types of legislative organization most easily influenced by extra-legislative forces by comparing the average of extra-legislative leadership with the different types of legislative organization, and noting any significant correlations that might appear. The following types of legislative organization and procedure should be examined in this connection: (1) Limitation on number of bills introduced; (2) committee hearings; (3) lobby instructions; (4) presence or absence of other types of legislative leadership; (5) presence or absence of legislative reference libraries; (6) one-party or two-party states; (7) joint committee systems.

The director of the round table is under great obligation to Dr. H. W. Dodds who had outlined the work of the group, and who was expected to be its director, but who was prevented from attending at the last moment by a call to important governmental services. The whole group and the director in particular are also under lasting obligation to Miss Helen M. Rocca, of the department of efficiency in government of the National League of Women Voters, for her very intelligent and discriminating service as secretary of the round table. Recognition should also be made of the services of Dr. Rodney L. Mott who served efficiently as secretary on the last day of the session.

ARNOLD BENNETT HALL.

#### ROUND TABLE ON THE PERSONNEL PROBLEM

##### SCORING THE CIVIL SERVICE LAWS

1. *Scoring the Work of the Civil Service Commission.* The subject "Scoring the Work of the Civil Service Commission" was assigned to the round table on the personnel problem. The fact that this topic was the legacy of the first Conference at Madison in 1923 gives evidence that this particular round table has already achieved continuity of effort and that it is building up an experience. At the very outset, however, the 1924 members while accepting their inheritance showed a measure of independence typical of a second generation by substituting for the topic assigned a kindred subject, namely, "Scoring the Civil Service Laws." The reason for this divergence requires some explanation by way of introduction.

The Madison group of 1923 had suggested the possibility of rating the relative efficiency of civil service commissions in this country. All members were not willing to commit themselves to this hypothesis, for they knew that a scientific scoring was dependent upon the analysis of several variables which might not lend themselves to accurate measure-

ment. Nevertheless this pioneer and adventurous round table of 1923 was ready to hazard an experiment and launch upon an attempt to discover any standards of measurement that would be scientifically accurate and applicable.

The first step in the quest was to ascertain the normal or primary functions of a civil service commission. Obviously this was necessary in order to have something to rate. To this end a list of activities was prepared, derived largely from an analysis of the functions and activities of the existing civil service commissions. The aim was not to compile an exhaustive list, but rather to register the activities which a commission must perform in order to administer successfully the merit system in recruiting, and to foster improved relations between the government and its employees.<sup>1</sup>

Assuming tentative agreement merely for the purpose of continuing the inquiry, the 1923 group next proceeded to search out the information that would be necessary to provide measurements, hoping that an analysis of the data obtained would lead to the discovery of definite evidence which might later be used to score some, if not all, of the activities. As an initial step a questionnaire was designed to test the feasibility of this method of pursuit and sent in the spring of 1924 to the civil service commissions operating in the larger municipalities of this country. Information was requested under the following heads:

I. *General Information*: (1) total number of employees on payrolls at end of year (omit seasonal); (2) total number of employees in classified service; (3) in competitive class; (4) in exempt class; (5) in labor class, if classified; (6) total payroll for classified employees.

II. *Civil Service Commission* (Staff and expenditures): (7) Number of commissioners; (8) aggregate salary; (9) salary of president; (10) total expenditures for year. *Itemized expenditures*—(11) advertising, (12) equipment (maintenance and new), (13) postage, (14) printing, (15) salaries, (16) special examiners and assistants, (17) stationery and supplies, (18) telephone and telegraph, (19) miscellaneous. *Staff examiners*—(20) number, (21) aggregate salary, (22) salary of chief examiner. *Clerks and other employees*—(23) number, (24) aggregate salary.

III. *Administrative Functions*: Duties classification—(25) Total number positions classified on basis of duties; *Salary standardization*—(26) Total number of positions compensated under standardized scale; *Examinations and appointments*—(27) Number of examinations held

<sup>1</sup> For list of tentative activities, see *American Political Science Review*, pp. 127-129 (Feb. 17, 1924).

(excluding labor and promotions), (28) Total number of applicants, (29) Number of examinations with three or less applicants, (30) Number of examinations given with aid of outside experts, (31) Number of examinations given with aid of department officials, (32) Average number days elapsed between date of examination and date of posting results, (33) Number of temporary or provisional appointments to permanent positions, (34) Number of provisional appointees whose employment exceeded term fixed by law, (35) Number of eligible lists with three or more names in force December 31, 1923, (36) Number of appointments to permanent positions in year. *Efficiency ratings*—(37) Number of rating periods per year, (38) Number of ratings recorded for typical rating period, (39) Number of ratings revised by or through commission. *Promotions*—(40) Number of regular examinations, (41) Number of candidates examined. *Separations*—(42) Number resigned, (43) Number removed, (44) Number laid off, (45) Number retired, (46) Number died.

*IV. Judicial Functions:* (47) Number of formal appeals made to commission on account of removals.

A large proportion of the municipal civil service commissions replied to this questionnaire. The facts and information thus received were tabulated by Mr. E. M. Martin, secretary of the public affairs committee of the Union League Club of Chicago and a member of the round table at Madison. So it was that this excellent piece of experimental work greeted the members of the 1924 round table and invited them to the task of appraising the data received in the light of the particular purpose in mind, namely, the creation of standards that may be used to measure accurately the work of the several commissions.

2. *Procedure of the 1924 Round Table.* The first task confronting the members of the 1924 round table was of a judicial rather than of an investigative character involving the practicability of proceeding with the methods of inquiry initiated by the Madison group. Was this method satisfactory? Did the data and information obtained from the questionnaire comprise acceptable objective evidence that could be used for rating the work of civil service commissions? These were the questions for immediate decision.

A study of the questionnaire demonstrated that the data obtained could not be used for the purpose at hand. First, it was very clear that all commissions answering had not interpreted the questions uniformly. There were differences in points of view because of the jurisdictional character of the nomenclature. This matter of interpretation, however, could perhaps be corrected by subsequent questionnaires supple-

mented by definitions and explanations which would create a common language and understanding.

Second, and more serious, it was evident that the data in many instances, while interesting for comparative purposes, could not be used as a basis for rating. For example, some commissions had a large number of examinations because there were many vacancies during the years under observations: while other commissions during the same time period had few examinations because there happened to be a scarcity of vacancies. To comprehend the reasons for these differences, one would have to analyse the employment conditions in the several cities and become involved in local business cycles and other misty economic problems, as well as in problems of tenure and employment turnover which are in themselves almost equally complicated. It was evident in greater or less degree that the information obtained under each single caption of the questionnaire presented intricate problems when viewed from the standpoint of "objective evidence" and "standards of measurement."

Third, the old question, ever present, was raised: Did the data serve to measure the success or results of the commission's work? The members of the 1924 round table were by no means certain. The quantitative information obtained might measure the magnitude of the tasks, but it was very certain that it would not measure the character or quality of the work performed.

Fourth, and most important of all, the members observed that no two civil service commissions were operating under the same laws, ordinances, rules and regulations. Even assuming that standards of measurement had miraculously been discovered it would be unfair to rate a commission zero on an activity which it had no legal right to perform or to give another commission a low rating because it happened to be limited in the method of administering this activity. Before any comparative ratings can be made justly all commissions must at least be reduced to a common denominator certifying the authority or legal right to act.

It was the lack of uniformity of laws, rather than the other objections, that led the 1924 round table to postpone the quest toward "scoring the civil service commissions" and endeavor to overcome or at least investigate other problems that were barriers to the approach. This precipitated the problem of rating the civil service laws. This seemed to constitute an essential preliminary. If it were possible to rate the laws, it might also be possible subsequently to rate the commissions on the basis of opportunity for work or service. At least lack of opportunity to perform effective work could be specifically noted.



3. *Scoring the Civil Service Laws.* The members of the round table then considered methods of discovering the minimum activities or functions which should be written into the law. Obviously these minimum activities should relate to the primary purpose of the commission, namely, the selection and certification for appointment of competent persons to fill positions placed under the jurisdiction of the commission. By way of experiment, merely to introduce a mode of procedure, the members used the deductive method of approach by discussing subjects of activities furnished by Mr. Fred Telford, of the bureau of public personnel administration. These subjects included:

I. *The Classification of Positions:* (a) jurisdiction classification, (b) duties or occupational classification.

II. *The Compensation of Employees:* (a) adoption of compensation plan, (b) administration of the compensation plan.

III. *The Selection of Employees for Entrance and Promotion:* (a) tests, (b) employment lists; (c) reemployment lists.

IV. *The Certification and Appointment of Employees to Positions in the Classified Service:* (a) certification of eligibles to permanent positions; (b) selections and appointment of certified eligibles to permanent positions; (c) provisional appointment to permanent positions; (d) temporary appointment to extra positions; (e) emergency appointments; (f) probation period.

V. *The Regulation of Employees in the Classified Service:* (a) Transfers; (b) leaves of absence; (c) service standards and ratings; (d) training; (e) demotions; (f) attendance.

VI. *The Separation of Employees from the Classified Service:* (a) lay-offs; (b) suspensions; (c) rejections on probation; (d) resignations; (e) retirements, including pension systems; (f) removals.

VII. *Miscellaneous Functions:* (a) adoption and amendment of rules and office regulations; (b) checking and certification of payrolls, (c) investigation of operation of law and rules, (d) investigation of organization and procedure of departments and institutions; (e) stimulation of interest in and coöperation in bringing about proper working conditions, (f) preparation and dissemination of literature and other material relating to personnel problems and practice.

The round table group in making arbitrary rules of procedure was not willing to write into the standard civil service law any activity on this list unless there was evidence to prove its desirability. If there was insufficient evidence the activity was to be marked uncertain or "research", with the understanding that further investigation would be

necessary before commitment to its acceptance or rejection. Discussion resulted in tentative agreements on a limited number of problems which the group felt could be accepted on the basis of available data and experience. And, as may readily be surmised, the discussion precipitated a number of subjects for reference to the research laboratories.

Without committing the round table to any agreement some of the more important subjects or propositions that were discussed are listed herewith. It will be the purpose to use these propositions for further experiments, to test their validity by registering the experiences of civil service commissions now operating under them, that is by trial and error, and to obtain objective evidence if possible. Subsequently, if a problem proves sound there may be opportunity to devise methods of evaluation.

*Proposition 1—Jurisdictional Classification—Unclassified Service.* The members were unable to express any general principle that should be written into a definition of the unclassified service. The alternative was to list by title the positions which should be included therein. The following was submitted by Mr. Telford who had been appointed to assemble opinions expressed in the discussions:

The unclassified service shall include all positions held by: (1) Persons in the uniformed military or naval service, (2) persons elected by the voters, (3) judges of courts, (4) teachers in the public school system (including federal, state, or city-operated colleges, universities, and normal schools), (5) one confidential secretary to the chief executive, (6) persons engaged on public work but employed by contractors, (7) persons appointed or designated to make or conduct a special inquiry, investigation, or examination, where such appointment or designation is certified by the personnel agency to be for work which cannot or should not be performed by persons holding positions in the classified services, (8) persons appointed by the chief executive, with or without the advice and consent of the elective legislative body or branch thereof, and engaged for a substantial portion of their time with the determination or definition of major policies (as opposed to expert administrative work). (The above positions, i.e., 1 to 8, are considered as "certain.") In addition there are other positions considered "conditional" which may or may not be included in the unclassified service. Local conditions and status of public opinion might be determining factors. Theoretically they belong in the classified service. These are (9) notaries public, (10) officers of election, (11) one clerk of each court, (12) two principal employees of the legislative body, (13) one confidential clerk or secretary

for each appointing authority and each judge of a court, (14) students in any educational institutions employed less than half time, (15) inmates confined in any institution and paid not to exceed ten dollars a month.

This is a sample of one proposition, or, in other words, the formulation of an hypothesis. Is it sound? What constitutes proof? In the collection and classification of facts of observation to prove or to reject the hypothesis, investigations in individual jurisdictions were suggested to answer the following questions or problems:

(1) Which of these unclassified officers exercise policy-determining powers? (This involves a definition of what constitutes policy determination.) (2) Which perform expert administrative duties? (3) Which do not perform any real duties? (4) Which have some combination of the above duties, and the relative amount of each? (5) An appraisal of the qualifications possessed by the officers—judged from the viewpoint both of the layman who determines policies and of the expert administrators?

The following problem, for instance, might be considered a sample: The selection, duties, qualifications, supervision, compensation, hours of work, and attendance of "confidential" clerks, stenographers and secretaries in the unclassified service of the city of X.

*Proposition 2—The Jurisdictional Classification—Classified Service.* Mr. Forrest Z. Wheeler, secretary, Minneapolis Civil Service Commission, expressed for the round table the following tentative proposition regarding the classified service:

The classified service shall comprise all positions under the jurisdiction of the civil service commission. There shall be three divisions, namely, (1) the competitive, (2) noncompetitive, and (3) labor. The *competitive* division shall comprise all positions under the jurisdiction of the commissions subject to open competitive examination either for original entrance or promotion. The noncompetitive division shall include positions to which appointments under competition are undesirable because of low content of position, unusual working conditions relating to hours, days of week, location of work, living requirements, or low compensation for restricted, part-time, or seasonal service. The *labor division* shall provide for the appointment of unskilled laborers on basis of priority of application for various grades of service after such examinations (largely of a physical nature) as the commission may prescribe. The certification, lay-off, discharge, reemployment of this group shall be under the supervision of the commission.

Among the problems of research involved are: (1) Reasons for and objections to the "exempt" or "excepted" positions as included in the classified service under many laws. (2) Analysis of positions in the noncompetitive class in any one city or state to ascertain whether or not competition would be desirable for entrance, and if not, why.

*Proposition 3—The Duties or Occupational Classification.* After group discussion a committee consisting of Messrs. Kingsbury and Lambie reported as follows:

All positions shall be classified into "classes" and "services." Classes shall be defined by specifications which shall indicate (1) title given to the class, (2) duties and responsibilities attached to the positions allocated to the class, (3) minimum qualifications required for the satisfactory performance of the duties in each class, and (4) whenever practical, lines of promotion. The classifying agency shall allocate all positions to classes in accordance with the specifications. Thereafter all positions shall be officially designated by title of the class to which it is allocated. The classification shall be used as a basis for determining tests for entrance, for establishing standard salary ranges and rates for each class, for budget purposes, for checking payrolls, and for developing and maintaining efficiency ratings, if used.

Research problems presented with this proposition include the determination of agency or agencies responsible (a) for preparation of the specifications, (b) for determining salary ranges and rates, (c) for allocating positions to "classes," (d) for administering the classification plan after once established. For these problems a rich field for observation is offered in the reclassification and salary standard experiments of the last fifteen years; in the controversial relationships of civil service commissions and budget bureaus; and in comparing the several types or divergencies from type of classification as found for instance in the classification for the federal government as proposed by the United States bureau of efficiency and the personnel classification board, or for the City of St. Paul as proposed by the city civil service commission.

*Proposition 4—Authority of Civil Service Commissions in Recommending or Fixing Compensation of Employees in the Classified Service.* The civil service commissions shall have recommendatory power in determining minimum and maximum rates in a "class."

Problems for investigation include (1) number of eligibles who refuse appointment because of low salaries, (2) turnover statistics, (3) relation of civil service commission to budget agency in matters of salary determination.

These four propositions are listed to illustrate a mode of procedure rather than to suggest their relative importance. There were other propositions considered but time did not permit the formulation of definite statements. More or less tentative agreement was reached upon propositions for selection of employees, tests, employment lists, reemployment lists, publicity, forms of records, and political activities. Members of the round table intend to continue communication with one another and develop these propositions so that they may be subjected to proof. If this method is continued it will be possible to piece together the many statements which may be suggested for incorporation in the standard civil service law and to offer them to the scrutiny and inquisition of persons interested in public personnel management. Experiences, suggestions, statistics, trials, and errors may then be recorded.

Special mention should be made of the most interesting and instructive memorandum on publicity by Miss Gena Thompson, member of the Wisconsin Civil Service Commission, and also of a talk by Mr. E. O. Griffenhagen on civil service records.

4. *Proposed Thesis Topics for Graduate Students.* At the final meeting the members of the round table recommended the following thesis subjects for graduate students in political science: (1) Types of civil service commissions; (2) Service records; (3) Books and forms for recording information and for reporting; (4) Training for the public service; (5) Vacation practice; (6) Welfare activities of a commission; (7) Development of tests for a specific class of positions, e.g., fireman, plumber, file clerk; (8) Superannuation; (9) Publicity methods; (10) Types of civil service commissions; (11) Promotion in the public service; (12) Legal status of civil servant as compared with legal status of employee in private service; (13) Ex-service man problem; (14) Employee's representation; (15) Women in the civil service; (16) Age limits for entrance.

MORRIS B. LAMBIE.

## ROUND TABLE ON PUBLIC FINANCE

## STATE SUPERVISION OF LOCAL FINANCE

This round table had an entirely new personnel from that at the preceding conference, and also began the consideration of a new and more definite topic, although having the benefit of general discussions at the earlier conference. The subject considered was that of state supervision of local finance, and the following paragraphs indicate the principal phases considered.

1. *General Scope of Subject.* It was agreed and recognized that the subject of state supervision of local finance included various topics, such as: Supervision over the assessment of property, taxation and other revenues, expenditures, budgets, bond issues, and indebtedness, accounting methods, and law enforcement in regard to financial operations. It was also agreed that the problem should be approached from the point of view of administration.

The question was raised as to how far the policy of state supervision and centralization over local finance is necessary or advisable, and it was agreed that this question could not be answered at the beginning of the investigation, but might be undertaken later.

2. *Types of Materials.* Some consideration was then given to the various types of materials available for the study of the subject. It was recognized that the two main groups were official and unofficial. The official materials included constitutional provisions, laws, judicial decisions, regular reports of financial officials, and special reports of legislative committees. Under unofficial materials are included private studies by individuals, reports by bureaus of research, surveys by other private agencies, and special investigations in local finance in connection with particular branches of administration.

The question was next considered as to the importance of personal and field inquiries; and it was agreed that such sources of information are necessary and valuable, but that the data collected must be subject to critical analysis, as would also be the case with the official and unofficial printed material.

The second day's session of this round table was mainly devoted to the discussion of the agencies, objects and methods of state supervision of local finance, and the outline or analysis of these topics given below was approved.

3. *Agencies of Supervision.* Governor (appointing and removal power).

State Tax Commission: Tax supervision; Accounting, expenditure, and debt.

State auditor or comptroller.

State budget officer.

Legislative reference bureau.

State University.

State departments corresponding to various activities of local government.

Detached agencies: N. J. Commissioner of Municipal Accounts.

Temporary Agencies: Special committees or commissions.

The relative merits of different types of organization should be investigated.

4. *Objects of Supervision.* Taxation and revenue: Assessment and review, Fixing tax rates, Tax collection, Miscellaneous revenue control.

Handling public moneys: Selection of treasuries and interest on balances, Handling of special funds (state and local funds), Designating disbursing officers.

Budget and expenditures: Budget control, Appropriations, Expenditure control, Contract and purchasing procedure.

Debts: Incurring debt—amounts and purposes, Forms of debt, Provisions for repaying debt.

Accounting and auditing: Accounting forms and procedure, Accounting and statistical reporting, Auditing.

Local finance organization.

5. *Methods of Supervision.*

Constitutional, statutory, and common law.

Judicial control.

Administrative supervision:

Information and advice; Compiling and distributing general data—upon request, regular, Compiling and distributing statistics, Duty to instruct, Surveys (upon request or regular), Reference to state officer for advice.

Power of approval and disapproval: As to legality, questions of fact, questions of policy (optional, on appeal, obligatory).

Power and duty to direct: To require reports of action, To visit and inspect, Adoption of forms and procedure, To require specific act, To require adoption of policies.

State assumption of particular functions: For installation (optional, obligatory), For operation (optional, on appeal, in default, obligatory).

Control of personnel:

Selection: Qualifying examinations, Appointments from nominations, Qualifying nominations, Complete appointing power.

Promotions, demotions, transfers.

Removals: To initiate proceedings, For cause, Absolute power.

Grants in aid: It was recognized that such grants are of more importance as a method of supervision in other fields than in that of public finance.

6. *Quantitative Measurement.* At the third day's session, the question was considered whether it was possible to work out a rating scale for measuring quantitatively the degree or amount of state supervision in different states. It was recognized that in a particular field, a general estimate could be made of the degree of supervision and the states ranked accordingly; as, for example, in regard to state control over local indebtedness. It was the general opinion, however, that it would be very difficult, if not impossible, to prepare a detailed rating scale for comparing the degree of supervision in all the different fields, and that in any case such a scale must be based on somewhat arbitrary figures. For these reasons, it was agreed not to undertake any such scale of quantitative measurement at present, and to continue the qualitative analysis of the problems involved in the general subject under consideration.

7. *Aims and Purposes of State Supervision.* Consideration was next given to formulating the general aims and purposes of state supervision of local finance, as a basis for determining the standards on which the value of such supervision might be judged. The discussion on this topic continued into the following day, and agreement was reached on the following statements of aims and purposes:

a. To collect and publish information and statistical data so that reliable knowledge of local conditions might be available both to the local community and the state government, on the basis of which further action might be determined.

b. To discover and prevent defalcations, fraud, and corruption, and to enforce other generally established legal requirements for honesty in public administration.

c. To enforce minimum standards of record-keeping and other financial procedure necessary for effective local government.

In addition to the above-mentioned aims, which were approved as generally advisable, the following aims were also recognized as existing to some extent, but where it was believed that the policy of extended application was one which should depend on special conditions.



d. To promote efficiency in methods of local self-government. A definition of efficiency was submitted, as follows: "To secure the same results at lower costs, or to secure more and better service with the same costs, or with less costs."

e. To control the policy of local governments, with particular reference to the better distribution of public expenditures and burdens.

In connection with the discussion of aims and purposes, it was also recognized that the various methods of supervision might be classified under certain general headings on different bases, as in the two following groups:

I. a. Supervision over the collection of state revenues. b. Supervision over the expenditure of state funds by local governments. c. Supervision to guide and restrain the local authorities.

II. a. Supervision of finance procedure. b. Supervision to enforce constitutional and statutory provisions.

8. *Standards for Judging Methods of Supervision.* Discussion of appropriate tests of standards for measuring the value of various methods of state supervision, led to acceptance of the following:

- a. Their effect on local self-government.
- b. Their effect on the complexity and burdens of state administration.
- c. The extent to which all the main objects of supervision are included.
- d. How far do they accomplish the approved aims? (7 a, b, c).
- e. How far are other aims attempted (7 d, e), and if so, to what extent are they justified by conditions and results.

9. *Standards of Budget Procedure.* On the fourth day, the round table took up for consideration the application of the general standards to some of the particular methods of supervision, beginning with the standards of budget procedure. The following steps were agreed to as the important stages in any adequate system.

a. The preparation and compilation of preliminary estimates. These should be accompanied by data of the preceding year's experience and other explanatory statements. Much of the necessary data can best be secured by personal conferences and contacts between the budget authorities and various departments, but should also be shown in the formal statements.

b. The preparation of a provisional budget with both summary and detailed statements, and definite recommendations.

c. The holding of one or more public hearings after public notice.

d. Consideration by the legislative or appropriating authority.

e. The definitive adoption of the budget, including both appropriation and tax levies, which should be accompanied by summary financial statements.

f. Provisions relating to transfers and supplemental appropriations.

Standards of procedure, it was agreed, should also be prepared for each of the other main objects of supervision, such as: Taxation and revenue, Handling of funds, Expenditure control, and The incurring and payment of debts.

10. *Standards of Financial Information.* On the fifth day the round table considered certain general requirements which it was believed should be shown by any satisfactory system of financial reports, as a basis of information about the financial condition of local governments, without, however, attempting a detailed schedule of all the items which might properly be included in the system of financial reports. The following were approved:

a. The need for a clear and definite terminology in financial accounts and reports, which was noted at the preceding conference, was again confirmed.

b. As to how far government accounts should be similar to commercial accounts, and in particular as to the placing of government accounts on an accrual basis, it was recognized that both of these were desirable, but it was also believed that practical difficulties might make these impossible at once, though adjustment should be made in the records so as to approximate as close as possible to commercial methods and the accrual basis.

c. The need was recognized for a consolidated budget and financial report, with summary and detailed statements, presenting past and preparative data. This should include:

A statement of operations for showing:

Receipts, revenue for current purposes, loans, and other nonrevenue receipts.

Expenditures, current maintenance, current debt payments, outlays from current revenues, outlays from loans.

Balances at beginning and end of year.

Comparison of operations with budget.

Statements of debt and public property.

Assessed valuation and tax rates.

It was recognized that statutory and other provisions often make necessary a record showing the financial transactions of particular funds, but it was believed that much of the detail of such records is of little

importance to the general student of financial conditions, and while the keeping of the funds accounts is necessary to comply with legal provisions, it was advisable to reduce the number so far as possible.

11. *Standards of Comparison.* Mention was made of the desirability of considering the relative merits of different bases for comparing financial and other statistical data, as for example: Per capita figures, percentages, averages, means, medians, units of work or service, etc. The time available, however, did not permit of any extended discussion or analysis of these matters.

12. *Special Problems.* Several members of the round table agreed to undertake the investigation or study of certain special problems connected with the general subject. These problems included the Indiana system of accounting and tax administration, the Iowa budget law of 1923, accounting control in Ohio, and the New Jersey law for the control of municipal accounts and budgets.

JOHN A. FAIRLIE.

#### ROUND TABLE ON MUNICIPAL ADMINISTRATION

##### DEVELOPMENT OF A METHOD OF RATING THE RELATIVE EFFICIENCY OF CITIES

1. *Nature and Scope of the Problem.* Comparisons of the costs of running the business of a municipality are often made, one city with another, or with those within some arbitrary group. In making such comparisons the usual measure is the per capita or per dollar valuation of the functions performed. Wholesale mistakes are made in such comparisons, as few compilers and interpreters know, or take into consideration, the essential differences which enter into the functionalization of municipalities. A recent comparison of park systems, in a list based solely on area, placed Chicago with its well-developed and useful system at the bottom, and Los Angeles with its undeveloped and somewhat inaccessible parks at the top.

The report of the round table of last year said: "The subject of political statistics covers a very generous field. For this reason the round table on political statistics concluded to limit its discussion to municipal statistics, as found in the group of cities ranging from 100,000 to 500,000 population. The round table had before it a rather complete statement of the activities conducted by such typical cities. Taking each activity in turn, an effort was made to indicate the minimum of statistical data necessary to give officials and citizens a reasonable idea of the degree of

effectiveness with which such activity was conducted. It is expected that the complete statement of these activities with their essential data, when properly weighed as to importance, will furnish a reasonable test as to the quality of government by any community."

"The determination of such tests is less simple than it may first appear. It is desirable to devise a single test applicable to cities of every size and location. Obviously, however, larger cities undertake activities not necessary in smaller ones. Criteria available in Detroit could not necessarily be applied to Dayton, and the absence of such criteria should not be taken as a reflection upon Dayton's government. To obviate this difficulty, the suggestion was made that tests be arranged in sufficient detail to judge even the largest communities, with provision for eliminating certain specified questions when applied to smaller places. Such a plan eventually may be evolved. In the meantime, it seems practicable to devise standards suitable for a large group of important cities; such standards to be later modified for communities of less size."

This year a round table was created to continue this study under the title "Municipal Administration: development of a method of rating relative efficiency of cities." The round table proposed to continue the study of the three fields outlined last year; first, simplified and uniform nomenclature; second, proper location and coördination of functions; third, effective criteria for degree of effectiveness of municipal functions; and, a combination of these three into a plan for a continuous service audit for the municipalities.

Its task is summed up in establishing the things to be measured, the attainable standards of each function measured, and some method of weighing objectively the results accomplished. The personnel of the section included several who have had administrative experience, several who have had considerable experience in research and interpretative work, and several who are making scientific studies in this field. Those of administrative and research experience drew upon widely varying fields of practice and attempted to mobilize their differing viewpoints. This collective interpretation (with much further criticism of the findings by others in the future) plans to establish which functions should be performed by a municipality and how these things ought to be done. The statistics gathered and published by municipalities, bureaus of research and individuals should be for the real purpose of information of both the officials and the public. They must offer in their detail and mass a constructive interpretation of the operation of the governmental unit.

2. *Methods of Statistical Measurement Now Employed.* Two good measures of the success of administration in bulk quite frequently applied are, first, the morbidity, mortality and birth rates as compared to departmental functions of health and sanitation; and, second, the costs of insurance for fire, accident, burglary, costs of hospital and doctor's bills, garage bills, private school tuition, and other citizen private bills as against the costs and performance of related municipal departments.

A variety of methods is used in making these comparisons. It is obviously impossible to make such comparisons with fairness and accuracy. Private corporations, which are profit-making in essence, are usually either poorly organized or of such high plane of detail that comparisons on the basis of population or per capita costs are of little value when extent and conditions of work are unknown. Municipal reports fail to give sufficient detail to form accurate conclusions and only by personal inspection and first-hand study can proper comparisons be drawn.

Four methods of comparisons may be used: 1. Basis of population, (per capita), 2. Basis of revenue or assessed valuation (per dollar), 3. Basis of area (per square mile), 4. Basis of results obtained (service rendered).

A study of municipal statistics will show the inequalities of such comparisons when population and area are made the ruling factors in determining municipal expenditures. A recent study has been made which measures cost per capita in its relationship to persons per policeman, fire loss, low infant mortality rate, small average water consumption, least number of inhabitants per acre of park land, greatest library circulation per volume, percentage of pavement to total street mileage, per cent of population voting. All of these relationships offer serious objections when we consider that such factors as type of population, location and configuration of city, building laws and local building problems, climate, developed and undeveloped park area, relation of suburban areas, industrial conditions, all these having considerable bearing on costs, are not taken into consideration in the above comparisons. Congestion of population on a small area and the same population on a large area, on a flat as compared with a hilly territory, on an inland as compared with a seacoast location, a climate with extreme changes as compared with an equable one, bring differing needs in streets, traffic, fire, police, lights, water and sanitation functions with varying problems, results and costs. Higher standards of living demand

more in schools, museums, parks, playgrounds, libraries, and other cultural and recreational facilities.

3. *Methods of Statistical Measurement Proposed.* The members of the round table agreed that by establishing certain attainable standards for different functions following the example of the fire underwriters, school, playground, financial, health and engineering organizations, the round table will be able to set up a measure of each of the details of administration. It finds that the fire underwriters determine the insurance rate by an examination of the location, amount and pressure of the water supply; the location and number of hydrants and alarm boxes; the type, location, effectiveness and personnel of the fire apparatus; the conditions of buildings as governed by zoning and building codes and inspections; as well as other related factors. The school examiners study the attendance in various relationships; the days of school; relation of high school to elementary pupils; percentage of boys and girls; expenditure per pupil; expenditure per teacher; types and equipment of buildings; and numerous other factors. The public health officers measure conditions leading to morbidity and mortality rates. Such conditions would include methods of control of communicable diseases; inspection of property for nuisances; personal hygiene instruction; food inspection; milk and water inspection and analysis; fly and mosquito suppression; maintenance of laboratories for examinations; and educational campaigns. In the same manner other measurable functions have their criteria for inspection. There are other functions which are extremely abstract and lend themselves less to examination and measurement. These include the operation of the legislative body; the administration of justice; and perhaps the extent of corporate power which the city has, and the type of organization under which it operates.

4. *Sample Score Cards Proposed.* The round table proposes the following incomplete general plan as a sample score card of what might, and eventually will, be developed for the city as a whole. It further presents for discussion and criticism a sample plan for the examination of the police department.

*General Plan.* Total weight 100.

I. Legal Organization (weight 10).

Extent of corporate power.

Areas involved.

Degree of autonomy.

Type of organization.

Methods of selection of officials.

## II. Overhead departments (weight 40).

Legislative.

Administrative: Legal, Finance (Budget, Revenue, Expenditures, Bonds) Purchasing, Custody, Audit, Personnel.

Research Planning, Service Audit.

## III. Functional departments (weight 50).

Safety (25): Police, Fire, Justice, Inspections, Zoning.

Health and welfare (15): Sanitation, Hospitals, Indigent, Corrections.

Education (25): Schools, Libraries, Museums.

Works and Properties (15): Streets, Sewers, Wastes.

Recreation (10): Parks, Playgrounds.

Utilities (10): Water, Light, Power, Gas, Transportation, Housing, Markets.

*Police Department. Total weight 100.*

Personnel, 60.

Administrative head, selection, tenure, salary, powers, 30.

Salaries, 10.

Methods of selection, probation, training, classification, promotion and demotion, efficiency ratings, removal and dismissal, transfer, retirement, 25.

Tenure, 25.

Appearance, 5.

Legal provisions, relation between powers of local and central political units, 5. Total, 100.

Plant and Equipment, 15.

Location of stations, 10.

Type of stations, 10.

Signal systems, 10.

Transportation, motorcycles, armored cars, ambulance, patrol wagon, boats, horse, 20.

Personal equipment, uniforms, revolvers, clubs, storm coats, traffic aids, 5.

Traffic control devices, 25.

Identification devices, 15.

Training equipment, gymnasias, shooting gallery, 5.

Total, 100.

Methods, 25.

Patrol, 5.

Traffic control, 20.

Detection, 20.

Identification, 10.

Records and statistics, 15.

Special detail, 10.

Coöperation with sheriff, coronor, state police, federal officers, 10.

Power to make regulations, 10.

Total, 100.

5. *Explanation and Discussion of Sample Score Cards.* The weights given to personnel, plant and equipment, and methods, would vary with different departments. As an illustration—the fire department might be 20, 60, 20 respectively, while the health department might be 20, 10, 70 respectively, as compared with the 60, 15, 25 of the police department. These, of course, are merely suggestive and may vary considerably in the other departments.

Obviously, the short time of meeting of the Conference would not allow a more detailed presentation of the suggested rating scales. A further diagnosis is being made by the members of the round table and is to be submitted to many persons in administration and research who are competent to criticise.

This report would not be complete if it did not mention the criticisms which arose in the evening discussion meeting and in the joint session with the round table on Psychology and Politics. This discussion centered around the necessity of eliminating the personal judgment factor in scoring and the adoption of positive measurable attainable criteria. The members of the section are confident that both of these conditions will be provided for in its plan. Another objection to the use of weights or values for each activity and sub-activity may have some validity. This method is used with success in many types of physical or personnel examination and would seem to apply equally well here. The round table hopes that anyone interested in these matters will write the chairman and make criticisms and suggestions that will aid in the study.

Briefly summarized, the section believed that municipal government is a business concern with property, plant, personnel, stockholders, and a product. It is a business which requires a broad judgment, a clear vision, an intimate knowledge of the needs of the entire city, and a study or measure of the ways to effect the wisest economy. This business can be wise and economical or foolish and wasteful. It may continue to operate as a political affair as in the past, or may be a real coöperative and industrial concern, achieving the greatest results at the least reasonable cost to its stockholder producers and consumers who, as the same persons, benefit by, and pay for the product. Control through



organization and centralization or responsibility has been the basis of study and improvement of the immediate past. Control through the budget, cost-accounting, comparable reporting and interpretation or service audit must be the interest of the present. Take stock of the assets, examine the needs, measure the costs, discover the leaks, root out the parasites, weigh the benefits to be derived, and our cities will be able to perform their functions to a larger degree and in a more satisfactory manner than is now deemed possible.

EDWIN A. COTTRELL.

#### ROUND TABLE ON INTERNATIONAL ORGANIZATION

##### INTERNATIONAL JUDICIAL ORGANIZATION AND PRACTICE

*1. Nature and Scope of the Problem.* As a result of the activities of this round table at the first session of the Conference, held in Madison in September, 1923, it had been decided that the maximum benefit to be had from a study of the general field of international organization had already been obtained, and that the table should, therefore, at this second session, deal only with the special topic of international judicial organization and practice. This would make doubly difficult that concentration of attention upon methods rather than upon the substantive questions of subject matter in this field, which is inseparable from all the activities of the Conference as a whole, but it was hoped that it would lead to beneficial results not obtainable by continued attention to the whole field of international organization.

The objects of the efforts of the table at the second session were to continue the four inquiries of the previous session (materials, observations, methods, topics, and to these were added the purpose of formulating certain tentative conclusions in point of both method and subject matter, subject, of course, to further investigation. As has been indicated, this fifth objective inevitably received greater attention than it had during the first session, where it was almost entirely neglected.

On the questions of materials and field observations desirable for scientific study in this field nothing further was done beyond the activities of 1923 except as those problems arose in connection with discussions of methods and topics. The activities of the table in 1924, therefore, were confined to: I. Further study of the applicability of methods of exact measurement to the problems under examination; II. An outline of the problems calling for investigation; and III. The formulation of certain tentative conclusions for further study.

During the weeks preceding the Conference the director made a tentative analysis of the field of study before the round table, as follows:

I. Survey of existing international judicial bodies and treaties for the creation of further such bodies and for the submission of international disputes to such bodies for settlement.

II. A study of the relative values of existing and projected international tribunals in comparison one with another and with arbitral tribunals as organized and operated in the past, with reference both to structural organization and to procedure, including particularly the extent to which arbitral decisions have: (a) involved problems of divergent systems of private law, (b) been decided by the umpires (members of the tribunals not representing the parties in dispute), and, (c) rested upon grounds of law rather than expediency.

III. A study of the means available for securing the submission of disputes to existing or projected courts in the future.

Various prospective members of the round table undertook to prepare some investigations of these sub-topics in advance of the meetings of the round table.

2. *Method of Determining Value of Arbitration.* When the Conference assembled it was decided to devote the first two meetings of the round table to a study of the relative value of arbitration as a means of providing national security and paving the way for disarmament, a question raised within recent weeks by the debates led by the British and French prime ministers, MacDonald and Herriot, in the meetings at Geneva of the Fifth Assembly of the League of Nations. The result was a suggested outline of investigations, with methods of measurement and tentative conclusions, indicated in brackets, as follows:

A. Value of arbitration as a means of providing national security.

I. The concept of national security from attack and injury.

a. As measured objectively by the scientific observer.

1. National defenses of the states of the world.

(a) Armies (personnel in officers and men in standing armies and reserves; training; equipment and materials).

(b) Navies (ships and their power and equipment; personnel).

(c) Aerial forces (same details).

(d) Industrial resources available in war.

(e) Frontiers and fortifications. [It was agreed that substantial results could probably be accomplished here in spite of difficulties in obtaining and standardizing data; that the results would probably indicate that the problem was confined, for all important significance, to

the states of Europe, the United States, and Japan, in view of the military impotence of the states of Latin America, Africa, and Asia, unless some of these powers should be led to armament increases by the prospective withdrawal of protection of great powers, a factor to be tested by a study of statements of policy by the small powers.]

2. History of aggressions in relation to defenses.

(a) Hostilities against unarmed states.

(b) Hostilities against well-armed states. [The results would probably have to be formulated without reference to the question of responsibility for the outbreak of hostilities and, while priority of military action could possibly be ascertained, this also would mean little; the results would probably indicate no correlation, negative or positive, between armaments and liability to aggression.]

b. As measured by opinion in endangered states.

1. Surveys of press, pulpit, platform, and personal opinions.

2. Surveys of national traditions in literary and forensic expressions.

3. Surveys of propagandist controls (official, semi-official, private organizations).

4. Calculations of possible turns or trends (by means indicated in 1-3 above; see also a-1, above, at end).

5. Studies of possible effects of national policies, economic, military, and foreign, in provoking aggression (diplomatic history with correlation of the indicated factors).

II. The concept of arbitration.

a. Definition to include only legal ("justiciable") questions?

1. Survey of treaties indicating cases suitable for submission in future.

2. Survey of cases submitted. [Would probably discover many cases submitted not wholly legalistic in character, if regarded as a whole, but largely capable of judicial treatment in separate aspects.]

b. Definition of causes of war.

1. Percentage of causes justiciable in character.

2. Percentage nonjusticiable. [The possibility of giving arbitral form to acts endangering national security would probably be found to be limited, due to the incomplete scope of existing international law, and a comparison of acts claimed in the past to endanger national security with acts arbitrated, would probably reveal much divergence in type, subject to the qualification under a-2 above.]

c. Effect of general obligatory arbitration clause.

1. Notation of exceptions named.

2. Study of cases submitted under such clauses in past. [Would probably find little or no data under c-2; might find certain exceptions (c-1) or none; in former case, and bearing in mind tentative conclusions under a and b, above, would discover that arbitration alone, without some method of treatment for wholly political questions (mediation or conciliation) would probably be inadequate to the end in view; and that this would also be true if any exceptions were made to the general obligatory arbitration clause.]

d. Cases still subject to diplomatic negotiation.

1. Past practice (treaties for submission and cases submitted). [Would probably find universal stipulation that (only) cases "which diplomacy has failed to settle" are suitable for submission, but that all cases submitted were at the time still subject to negotiation.]

2. Effect of obligatory clause.

(a) Terms of clause (exception for disputes still capable of settlement by negotiation?). [Would probably find no data under 2-b but would find that effect of clause would probably be possibility of bringing into court cases still susceptible of negotiation.]

III. Enforcement of arbitration.

a. Of submission.

1. Cases of submission and of refusal to submit in accord with treaties.

2. Means of compelling submission.

(a) In national judicial proceedings.

(b) In international practice. [Would probably find little data under a-1; would find method of hearing at instance of one party even in absence of second, under a-2-(a), but little under a-2-(b).]

b. Of awards.

1. Awards rejected in past.

(a) For errors in substance.

(b) For errors in procedure (*ultra vires* action, fraud, coercion). [Would probably find little or nothing under (a) and very few cases under (b), mainly cases of rejection for action in excess of jurisdiction.]

2. Effect of adoption of obligatory arbitration clause.

(a) Acceptance or rejection of awards in cases submitted in past as in III-a-1, above.

(b) Acquiescence of states in decisions by prize and other courts of other states in absence of special and contemporary agreement of submission. [Would probably find little data under (a) but much under (b); might calculate probable willingness to submit cases and

respect awards under obligatory clause by comparing results under III-a and b; but would probably find, in view of results under I-b and II, above, that endangered states would demand more than mere agreement for obligatory arbitration as guarantee of national security.]

The members of the round table then turned to the main topic of the session.

*3. Outline of Suggested Methods, Problems and Tentative Conclusions.*

The results of the discussions of the remaining meetings of the round table, also cast in the form of an outline of methods and probable conclusions, follow:

B. Present and Future Organization and practice of international judicial settlement.

I. Existing tribunals, including tribunals for the creation of which, in certain eventualities, agreements have already been made, and treaties for the submission of disputes to such tribunals.

a. Existing and projected tribunals (an international tribunal was defined tentatively as a tribunal created by international authority for decision of cases involving the rights of states or their nationals under international law).

1. Permanent Court of International Justice (League).
2. Permanent Court of Arbitration (Hague).
3. Central American Court of Justice (reestablished).
4. Tribunals created by peace treaties of 1919-1920 (ten or more).
5. Mixed commissions created in the post-war period (five or more).
6. Capitulatory courts in China, Egypt, etc.
7. Tribunals operating within international administrative unions.
8. Bilateral arbitral tribunals provided for certain emergencies.

[It would probably be found that about fifty international tribunals are in actual existence, with over one hundred provided for in event of certain emergencies.]

b. Treaties for submission of disputes.

1. Covenant of the League of Nations.
2. Convention for the Pacific Settlement of International Disputes (Hague).

3. Convention of the Central American Court.

4. Treaties of 1919-1920.

5. Special bilateral treaties.

6. Common international law and treaties relating to jurisdiction of capitulatory courts.

7. International administrative union conventions. [It would probably be found that there exist several hundred bi-national obligations for the submission of disputes, few of which are so definite and inclusive as not to be open to evasion.]

II. Relative values of courts.

a. By reference to possibility of reference in place of negotiation (see A-II-d, above).

1. Domination of great powers in negotiations with smaller (as revealed by checking results of negotiations against fixed policies of parties).

2. Dilatory tactics in submission and trial (see also A-III-a-1).

3. Cases of resort to arbitration to escape diplomatic humiliation.

b. By reference to number of umpires (see also B-II-k, below).

1. Frequency of choices of judges by nondisputants.

2. Surveys of diplomatic utterances in connection with negotiation of treaties and submission of cases.

3. Actual influence of umpires (see B-II-k, below).

c. By reference to types of judges.

1. Types of judges in various courts (diplomats, jurists, etc.).

2. Evidences of satisfaction or discontent with same.

d. Panel versus permanent bench courts.

1. Variations in types of judges in past (see B-II-e).

2. Delay.

(a) In taking up cases.

(1) Crowded dockets (claims courts).

(2) Elaborate preliminary steps (panel courts).

(b) In deciding cases.

(1) Burden of work in court (claims courts).

(2) Bad procedure (panel courts).

e. Connections with administrative bodies.

1. Influence of League on functioning of League Court.

(a) Influence of League in action by Court in taking jurisdiction of cases brought to it, or vice versa.

(b) Influence of League or members on opinions rendered by court.

2. Influence of administrative unions on their tribunals (as under 1-(a) and (b)).

f. Terms of judges.

1. Survey of facts.

2. Repeated elections of same individuals under panel system; facts and significance.

3. Detachment (judicial attitude) of panel and permanent bench courts in particular cases.

4. Effect of experience of judges on knowledge of law and arbitral procedure.

5. Experiences of national courts, claims courts, and international administrative union courts under these heads.

g. Regional versus world courts.

1. Evidences of regional law in decisions of regional courts (Central America; Chinese).

2. Evidences of Continental antipathy toward Anglo-American influence in world courts.

3. Corrections of former by representation of regions on world courts.

h. Accessibility.

1. Legal.

(a) Relative accessibility of bi-lateral, regional, Hague, and League courts to signatories and others.

(b) Relation to B-II-g.

2. Physical; influence of distance and expense.

i. Procedural difficulties.

1. Comparison of existing courts.

(a) Convention code of procedure.

(b) Compromise code of procedure.

(c) Rules fixed by court.

(d) Actual differences in rules.

2. Difficulties in the past.

(a) Over-rigidity.

(b) Indefiniteness.

(c) Concrete difficulties.

j. Part played by private law in international adjudication.

1. As measured by references to same in awards.

2. References to same in pleadings.

3. Importance of same.

(a) Conflicts settled by rules of jurisdiction.

(b) Assistance of rules of general jurisprudence.

(c) Help of counsel briefs and pleadings.

k. Part played by umpires.

1. Definition.

(a) Choice of nonnational by party to the dispute.

(b) Choice of nonnational by agreement of both parties.

(c) Choice of nonnational by nonparty at request of parties.

2. Decisions by umpires. [It was found that in fourteen cases decided by the Hague Court there had been only one case of dissent by a national representative on a tribunal.]

1. Decisions compromises or not?

1. Numbers of distinct points in cases.

2. Decision of different points clear but for different parties.

3. Dependence of this point on soundness or unsoundness of decision in mind of student.

m. Relation of arbitration to law.

1. Points of law and fact.

(a) Points of fact.

(b) Points of law.

(c) Legal facts.

2. Control of agreements for submission, general and special.

3. Performance.

(a) Meaning.

(1) Result in accord with law.

(2) Decision made purposely by law.

(b) Indicia.

(1) Citation of treaties.

(2) Citation of precedents.

(3) Citation of treatises.

(4) Language of court.

(5) Actually in accord with preëxisting law.

(6) Collateral evidences of fraud, coercion, etc. [It was ascertained out of forty points involved in the fourteen Hague cases there were thirty points of law, and that all were decided according to law in the eyes of the court.]

III. Securing submission of cases.

PITMAN B. POTTER.



## NEWS AND NOTES

### PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

*University of Wisconsin*

Professor R. T. Crane, of the University of Michigan, is spending his sabbatical year in research and writing in California. He will give courses in the summer quarter at Stanford University on political parties and American political theory.

Judge Edmund C. Mower, professor of law and government at the University of Vermont, will give courses in constitutional law and European governments at the summer session of Northwestern University.

Professor P. Orman Ray, of Northwestern University, will give courses in American national government, and political parties and politics at the summer session of the University of Southern California.

Professor Graham H. Stuart has returned to his work at Stanford University after a six-months' study of the government of Peru for the Carnegie Institution.

Mr. Glenn E. Hoover, who holds a doctor's degree from the University of Strasbourg, has been appointed assistant professor of economics and political science in the University of Oregon.

Professor John P. Comer, of Southern Methodist University, Dallas, Texas, has resigned to accept an assistant professorship of government at Williams College.

Professor Pitman B. Potter, after a semester's leave of absence in Europe, has resumed teaching at the University of Wisconsin.

The department of political science and sociology at the University of Nebraska has been divided and a separate department of political science established.

Professor James W. Garner, of the University of Illinois, has been honored by the French government, as a chevalier in the Legion of Honor.

Governor Pierce, of Oregon, has appointed a committee to formulate a plan for the reorganization of the state administration, to be submitted to this winter's session of the legislature.

The California Academy of Social Sciences held its annual meeting at Berkeley on December 19-20.

The University of Chicago announces the second Institute under the Norman Wait Harris Memorial Foundation to continue from June 30 to July 24, 1925. Problems of the Far East will be considered, and lecturers from Japan, China, and Australia are expected. The Institute will consist of public lectures and round table conferences; and at the same time the University summer session will offer courses on subjects related to the Far East. Representatives of several of the departments at Washington are planning to attend. Each Institute of the Harris Foundation will concentrate on some one international problem, the small states of Europe having been proposed for 1926. Correspondence relating to the Institute may be addressed to Professor Quincy Wright, University of Chicago.

The Social Science Research Council met in Chicago, November 29. The principal business was the consideration of the report of the Committee on Research Fellowships, under the chairmanship of Professor A. B. Hall. This report, which was adopted by the Council, contained detailed provision for the organization of the machinery of fellowship awards. Reports were received also covering the work of the committee on Scientific Aspects of Human Migration, Miss Edith Abbott, Chairman; and from the committee on International News and Communication, Walter S. Rogers, Chairman. Other committees reporting were those on abstracts of social science periodical literature, Professor F. S. Chapin, Chairman, and on the printing of an annual digest and index of state session laws, Professor J. P. Chamberlain,

Chairman. The report of the committee on human migration contained, among other projects of research, a plan for an investigation of immigration laws and their administration in the United States and Canada, formulated by Professors J. A. Fairlie and F. A. Ogg.

At another meeting of the Social Science Research Council, held in Chicago, December 31, 1924, announcement was made of a series of research fellowships in the social sciences, provided by the Laura Spelman Rockefeller Memorial. These will be awarded on the recommendation of a committee consisting of Wesley C. Mitchell of Columbia University, chairman, Charles E. Merriam of the University of Chicago, and F. Stuart Chapin of the University of Minnesota, secretary. Applications should be made to the secretary of the committee not later than March 1, 1925, and fellowships will be awarded on or about May 1.

**Annual Meeting.** The twentieth annual meeting of the American Political Science Association was held at Washington, D. C., December 29-31, 1924. The registration was 136, and the number of members actually in attendance was probably not less than 160. Attendance at the various sessions was, without exception, excellent. Departing from custom, the Association met apart from both the American Historical Association and the American Economic Association. The American Association for the Advancement of Science, the American Psychological Association, and the American Association of University Professors, were, however, in session in Washington during the same period, and a joint session was held with the Psychological Association, and another with Section K of the Association for the Advancement of Science. A smoker was tendered the members of the Association by the Robert Brookings Graduate School of Economics and Government, whose courtesy in this respect, and in other important ways, was heartily appreciated. By way of experiment, the three forenoons were given over to meetings of round tables, and the plan proved so successful that it is likely to be continued in future years. All in all, the meeting was considered one of the best in the history of the Association.

The formal program, as carried out, was as follows:<sup>1</sup>

<sup>1</sup> Several of the papers, and also synopses of the work of the round tables, will be printed in the *Review*.

MONDAY, DECEMBER 29

9:30 a.m. Meeting of the Executive Council and Board of Editors.

10:00 a.m. Round Table Meetings. 1. Politics and Psychology, L. L. Thurstone, University of Chicago, director. Formulation of research problems in the science of politics involving psychological factors. The object is to outline the methods that may prove suitable for investigating one or more problems of common interest to the sciences of politics and psychology. 2. Comparative Government, Walter J. Shepard, Robert Brookings Graduate School of Economics and Government, director. A survey of significant events and of recent progress made by foreign scholars in this field; an intensive discussion of the results of the various systems of proportional representation. 3. Public Administration, W. F. Willoughby, Institute for Government Research, director. The general problem of overhead control, including (among other topics) central organs of general administrative control, central control of personnel, central control of financial affairs, central administrative control in the judicial branch, and central control of purchasing. 4. International Affairs, E. D. Dickinson, University of Michigan Law School, director. Recent contributions, research and teaching methods, and intensive discussion of the topic "Participation by the United States in International Coöperation." 5. Political Parties, Raymond Moley, Columbia University, director. The nature and implications of party responsibility. 6. Political Statistics, Arthur N. Holcombe, Harvard University, director. A continuation of the discussion of the round table on this subject at the Second National Conference on the Science of Politics.

12:30 p.m. Subscription Luncheon. Presiding officer: Ellery C. Stowell, The American University. The Modernization of International Law, George Grafton Wilson, Harvard University. Discussion by Charles G. Fenwick, Bryn Mawr College, and others.

3:00 p.m. Public Personnel Administration. Presiding officer: Honorable W. G. Deming, President of the United States Civil Service Commission. The Dark Side of Municipal Civil Service, Harry G. Marsh, Secretary of the National Civil Service Reform League. The Function of the Personnel Agency in the Public Service, Oliver C. Short, Secretary of the State Employment Commission of Maryland. Research in the Technique of Testing, L. J. O'Rourke, Director of Research Division, United States Civil Service Commission. The Status of the Civil Servant in the Modern State, Herman Finer, London School of Economics and Political Science.

8:00 p.m. International Relations. Presiding officer: Honorable David Jayne Hill, Washington, D. C. British Policy and the Balance of Power, The Right Honorable Sir Esme Howard, K. C. B., Ambassador of Great Britain to the United States. Limitations upon National Sovereignty in International Relations, James W. Garner, University of Illinois, President of the American Political Science Association.

## TUESDAY, DECEMBER 30

10:00 a.m. Round Tables, as on preceding day.

12:00 p.m. Subscription Luncheon. Presiding officer: Jeremiah S. Young, University of Minnesota. The Second National Conference on the Science of Politics, Arnold B. Hall, University of Wisconsin (read by V. J. West, Stanford University). Report of the Committee on Political Research. Charles E. Merriam, University of Chicago.

2:00 p.m. The Psychological Basis of Conservatism and Radicalism. (Joint Session with the American Psychological Association. Presiding officer: Robert S. Woodworth, Columbia University. Intellectual and Emotional Factors in Radicalism, Henry T. Moore, Dartmouth College. The Doctrine of Power and the Conflict of Parties, George E. G. Catlin, Cornell University. The Measurement and Motivation of Atypical Opinion in a Certain Group, Floyd H. Allport, Syracuse University.

4:30 p.m. Annual Business Meeting of the Association. Presiding officer: James W. Garner, University of Illinois. Annual Report of the Secretary-Treasurer and the Managing Editor of the American Political Science Review. Reports of standing and special committees. Election of officers for 1925.

8:00 p.m. Some Phases of Public Law. Presiding officer: James W. Garner, University of Illinois. The State and the Nation: Constitution vs. Constitutional Theory, Edward S. Corwin, Princeton University. Discussion by Thomas Reed Powell, Columbia University. Minority Decisions and the Supreme Court, Charles Warren, Washington, D. C.

## WEDNESDAY, DECEMBER 31

10:00 a.m. Round Tables, as on previous days.

11:30 a.m. General Session. Presiding officer: Quincy Wright, University of Chicago. Impediments to Historical Science. Albert F. Pollard, University College, University of London.

12:30 p.m. Subscription Luncheon. Presiding officer: Benjamin

F. Shambaugh, University of Iowa. The Elections of 1924, Arthur N. Holcombe, Harvard University. Discussion by Arthur W. Macmahon, Columbia University, and Albert Bushnell Hart, Harvard University.

3:00 p.m. Trade, Administration, and Population. (Joint Session with Section K, American Association for the Advancement of Science.) Some Phases of British Administrative Legislation, John A. Fairlie, University of Illinois. The Ethics of Trade Organization, George Frederick, Business Bourse, New York City. Analysis of the Trend of Our Foreign Trade, H. C. Campbell, Acting Chief, Division of Research, U. S. Department of Commerce. Population Problems of South America, William A. Reid, Pan American Union, Washington, D. C.

The executive council and board of editors held an extended session on the opening day of the meeting, and the annual business meeting of the Association was held on the afternoon of the second day. The report of the Secretary-Treasurer on the membership and finances of the Association may be summarized as follows:

### *I. Membership*

Accessions during the year.....	180
Resignations and cancellations.....	127
Net gain in membership.....	53
Number of members paying annual dues.....	1469
Number of life members.....	52
Total membership.....	1521

Various methods employed to obtain new members were described, and the hope was expressed that members generally will see that persons who would be likely to be interested in the work of the Association are invited to join, or, at all events, that their names are reported to the Secretary of the Association.

### *II. Finances*

1. Balance, December 15, 1923.....	\$609.71
2. Receipts, December 15, 1923 to December 15, 1924	
Dues for 1922 and 1923.....	\$238.00
Dues for 1924.....	4352.90
Dues for 1925 and 1926.....	816.40
Voluntary contributions for the support of the	
<i>Review</i> .....	633.00
Sale of publications.....	208.45
Advertising.....	290.00
Royalties.....	6.70

Payment by National Conference on the Science of Politics for publication of report and reprints	277.15	
Total receipts.....		6848.60
Total balance and receipts.....		\$7458.31
3. Disbursements		
Bills paid for 1923.....	\$114.81	
Williams & Wilkins Co. Baltimore (printing and distributing the <i>Review</i> ).....	4950.73	
Clerical and stenographic assistance, office of secretary-treasurer.....	380.60	
Clerical and stenographic assistance, office of managing editor.....	465.00	
Expenses of book review editor.....	13.47	
Postage, office of secretary-treasurer.....	145.00	
Stationery and printing.....	256.65	
Expense of program committee.....	51.03	
Preparation of legislative notes.....	50.00	
Dues to American Council of Learned Societies.....	75.00	
Filing cabinet.....	19.95	
Miscellaneous.....	38.74	
Total disbursements.....		\$6561.98
Balance December 15, 1924.....		896.33
4. Trust fund		
City of Madison, Wis., 5½ per cent special street improvement bonds, purchased February 11, 1924, due April 1, 1928, @ \$101.00 and accrued interest, total cost \$1278.88, par value.....	\$1200.00	
Balance deposited after buying bonds.....	70.96	
Interest deposited 12/15/24.....	66.00	
Receipts from life members during 1924.....	105.00	
Total (without accrued interest on bonds).....	\$1441.96	

Estimates were presented for the year 1925, showing balance and probable receipts aggregating \$8329; disbursements (including a ten per cent increase of expenditure on the *Review*) aggregating \$7063; and a balance December 15, 1925, of \$1266.

The treasurer's accounts were audited by a committee consisting of Professors V. J. West and B. F. Shambaugh, and were reported complete and correct. On recommendation of the executive council, it was voted that the practice of billing members for five dollars, with explanation that payment of the additional dollar for the support of the *Review* is optional but desirable, should be continued in 1925.

Through Professor W. B. Munro (in the absence of the chairman, Professor P. O. Ray), the committee on instruction presented a report on state legislation requiring the teaching of the constitution, or American government and ideals, and submitted with it a draft of a model

law on this subject. The report was ordered to be printed for consideration by the members of the Association.<sup>2</sup>

The American Council of Learned Societies Devoted to Humanistic Studies, having been incorporated under the laws of the District of Columbia, asked the constituent societies to ratify a revised constitution, differing in minor ways only from the original instrument. The request was complied with by the Political Science Association. It was announced that the American Council is now in a position to proceed with several important projects—in particular, the preparation of a twenty-volume Dictionary of American Biography, made financially possible by a subvention of a half-million dollars recently tendered by the New York Times Company. The preparation and publication of the Dictionary will be under the immediate direction of a committee composed of four representatives of the American Council of Learned Societies, two appointees of the New York Times Company, and a managing editor to be chosen by these six persons.

Another interesting announcement was made by the Association's representatives in the Social Science Research Council, to the effect that the Laura Spelman Rockefeller Memorial has agreed to provide a substantial sum of money to be used, beginning in 1925-26, for research fellowships of an advanced character in the field of the social sciences.

In view of the improved financial condition of the Association and the continued pressure for space in the *Review*, the managing editor was authorized to permit the issues in 1925 to attain an average, if necessary, of as much as 240 pages.

Officers for 1925 were elected as follows: President, Charles E. Merriam, University of Chicago; First Vice-President, A. R. Hatton, Western Reserve University; Second Vice-President, Raymond L. Moley, Columbia University; Third Vice-President, Charles G. Haines, University of Texas; Secretary-Treasurer, Frederic A. Ogg, University of Wisconsin. Newly elected members of the Executive Council for the term ending in 1927 are: F. G. Bates, Indiana University; John Dickinson, Harvard University; Luther H. Gulick, New York City; F. A. Middlebush, University of Missouri; and Bruce Williams, University of Virginia. On the Board of Editors, Edward S. Corwin is succeeded by Victor J. West.

The place of meeting of the Association in 1925 was left to decision of the Executive Council. Announcement will be made in the May issue of the *Review*.

<sup>2</sup> Copies may be secured on application to the Secretary of the Association or the chairman of the committee, Professor P. O. Ray, Northwestern University, Evanston, Ill.



## DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES<sup>1</sup>

COMPILED BY FREDERIC A. OGG

*University of Wisconsin*

### AMERICAN GOVERNMENT AND PUBLIC LAW

- T. Bardizian*, A.B., Chicago, 1919; A.M., *ibid.*, 1921. The Recent Immigration Policy of the United States. *California*.
- Orval Bennett*, A.B., Indiana, 1915; A.M., *ibid.*, 1917. The Federal Trade Commission. *Brookings Graduate School*.
- Forrest R. Black*, A.B., Wisconsin, 1916; A.M., Colorado, 1919; LL.B., Ohio State, 1920. The War Power and the Need of Constitutional Clarification. *Brookings Graduate School*.
- Earl C. Campbell*, A.B., California, 1923; A.M., *ibid.*, 1924. The Direct Primary in California. *California*.
- Daniel B. Carroll*, A.B., Illinois, 1915. The Unicameral Legislature in Vermont. *Wisconsin*.
- J. G. Cerwin*, A.B., Dartmouth, 1919; A.M., Columbia, 1920. Federal Water Power Legislation. *Columbia*.
- Esther W. Cole*, A.B., Peru Teachers' College, 1924. Legislative Commissions of Inquiry and Investigation. *Nebraska*.
- J. P. Comer*, A.B., Trinity, 1907; A.M., Columbia, 1915; The Legislative Functions of Federal Administrative Authorities. *Columbia*.
- Edith Dobie*, A.B., Syracuse, 1914; A.M., Chicago, 1922. The Political Career of Stephen M. White. *Stanford*.
- Elmo C. Dopkins*, A.B., Wisconsin, 1920; A.M., *ibid.*, 1921. Influence of Party Platforms on National Legislation. *Wisconsin*.
- E. J. Eberling*, A.B., Syracuse, 1918; A.M., *ibid.*, 1920. Legislative Investigating Committees of New York State. *Columbia*.
- William H. Edwards*, A.B., Ohio State, 1923. State Reorganization in Minnesota. *Brookings Graduate School*.
- Susan Elrick*, Ph.B., Chicago, 1923. Administrative Regulations. *Chicago*.
- Carl H. Erbe*, A.B., Iowa State Teachers' College, 1920; A.M., University of Iowa. Studies in the Constitution of Iowa. *Iowa*.
- Russel H. Ewing*, A.B., Minnesota, 1923; A.M., Columbia, 1924. The Limits of Judicial Discretion. *Minnesota*.

<sup>1</sup> Similar lists have been printed in the *Review* as follows: IV, 420 (1910); V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922).

- Charles Fairman, A.B., Illinois, 1918; A.M., *ibid.*, 1920. The Law of Martial Rule and of the Use of Troops in the Aid of Civil Authorities. *Harvard*.
- F. S. Fitzpatrick, A.B., Trinity (Conn.), 1914. Business Men's Associations and Politics. *Columbia*.
- George B. Galloway, A.B., Wesleyan, 1920; A.M., Washington University, 1924. The Investigative Function of Congress as a Means of Control. *Brookings Graduate School*.
- R. L. Garis, A.B., Virginia; A.M., *ibid.* America's Immigration Policy. *Columbia*.
- John J. George, Jr., A.B., Washington and Lee, 1920; A.M., Chicago, 1922. Re-organization of State Administration in Ohio. *Wisconsin*.
- William B. Graves, A.M., Cornell, 1921. Distribution of Power between Central and Field Authorities in Federal Administration. *Pennsylvania*.
- John G. Heinberg, A.B., Washington University, 1923; A.M., *ibid.*, 1924. The History and Theory of Majority Rule. *Brookings Graduate School*.
- E. A. Helms, A.B., Illinois, 1922; A.M., *ibid.*, 1923. The Eighteenth Amendment. *Illinois*.
- A. V. Johnston, A.B., Augustana College, 1911; A.M., Minnesota, 1915. The Constitutional and Legal Aspects of Prohibition. *Minnesota*.
- John C. Jones, A.B., Transylvania, 1911. The Tendency Towards Centralization of the American Federal Government. *Brookings Graduate School*.
- Dexter M. Keezer, A.M., Cornell, 1923. The Place of the Supreme Court in the Economic Order. *Brookings Graduate School*.
- Horace J. Knowlton, A.B., Utah, 1921; LL.B., *ibid.*, 1923. The Office of Attorney General. *Chicago*.
- Nelson C. Lang, A.B., California, 1921. The Federal Corrupt Practices Acts. *California*.
- C. G. Langeluttig, A.B., Johns Hopkins, 1922. The United States Department of Justice. *Johns Hopkins*.
- Frank J. Laube, B.L., Wisconsin, 1899; A.M., *ibid.*, 1913. Relations of State to Local Government in Washington. *Chicago*.
- J. H. Leek, A.B., Millikin; A.M., Illinois. The State Legislative Reference Bureau; a Comparative Study. *Pennsylvania*.
- K. D. Leigh, A.B., Bowdoin, 1914; A.M., Columbia, 1915. Federal Public Health Administration in the United States. *Columbia*.
- Buel Leopard, B.S., Missouri, 1917; A.M., *ibid.*, 1919. The Government and Politics of the State of Missouri. *Brookings Graduate School*.
- H. H. Lou, A.B., Peking University, 1922; A.M., Columbia, 1923. Juvenile Courts in the United States. *Columbia*.
- K. D. Lum, A.B., University of Hawaii, 1922; A.M., Columbia, 1923. Evolution of Government in Hawaii. *Columbia*.
- Ada McCowan, A.B., Reed College, 1915; A.M., Columbia, 1921. Conference Committees in Congress. *Columbia*.
- Harry Moore, A.B., Reed College, 1917; A.M., George Washington, 1923. The Socialization of Medicine. *Brookings Graduate School*.
- Oliver E. Norton, A.B., College of the Pacific, 1921. The Direct Primary in California. *Stanford*.
- P. H. Odegard, A.B., University of Washington, 1922; A.M., *ibid.*, 1923. The Anti-Saloon League. *Columbia*.

- Marie O'Donell*, A.B., Trinity, 1919; A.M., Columbia, 1921. The Senate Committee on Foreign Relations. *Columbia*.
- Constantine M. Panunzio*, A.B., Wesleyan, 1911; A.M., *ibid.*, 1912. The Passing of Immigrants' America. *Brookings Graduate School*.
- J. E. Pate*, A.B., Louisiana, 1916; A.M., Wake Forest, 1917; A.M., Virginia, 1921. The Legislature of Virginia; its Organization and Procedure. *Johns Hopkins*.
- Roy V. Peel*, A.B., Augustana College, 1920; A.M., Chicago, 1923. Blaine as a Political Leader. *Chicago*.
- J. K. Pollock*, A.B., Michigan, 1920; A.M., *ibid.*, 1921. Party Finance. *Harvard*.
- Pearl L. Robertson*, Ph.B., Chicago, 1923. Grover Cleveland as a Political Leader. *Chicago*.
- Vedasto J. Samonte*, A.B., Iowa, 1922; A. M., *ibid.*, 1923. The American System of Colonial Administration. *Iowa*.
- Fred D. Shelton*, A.B., Drury, 1916. The Influence of Group Organization on the American System of Representative Government. *Brookings Graduate School*.
- Hazen D. Smith*, A.B., Nebraska, 1923. The Power of Pardon and Parole in the United States. *Nebraska*.
- Margaret Spahr*, A.B., Smith, 1914; A.M., Columbia, 1919. Economic Theories in Supreme Court Tax Decisions. *Columbia*.
- Harold H. Sprout*, A.B., Oberlin, 1923. The Judicial Determination of Facts that are Material to Questions of Constitutional Validity. *Wisconsin*.
- Marrietta Stevenson*, A.M., Chicago, 1920. Bryan as a Political Leader. *Chicago*.
- Frank M. Stewart*, A.B., Texas, 1915; A.M., *ibid.*, 1917. Highway Administration, with Special Reference to Texas. *Chicago*.
- Roger J. Traynor*, A.B., California, 1923; A.M., *ibid.*, 1924. The Amending System of the United States Constitution. *California*.
- H. A. Van Dom*, A.B., Grinnell, 1918; A.M., Columbia, 1920. Government Owned Corporations. *Columbia*.
- F. West*, A.B., Ohio Wesleyan, 1918; A.M., *ibid.*, 1919. The Political Power of the President.
- E. C. Wynne*, LL.B., California, 1911; A.B., Harvard, 1917. The Legal Status of Radio. *Harvard*.

## MUNICIPAL AND LOCAL GOVERNMENT

- Norman W. Beck*, A.B., Chicago, 1923. Municipal Reporting. *Chicago*.
- Mildred C. Dispensa*, Ph.B., Chicago, 1918. The Inspection Service of the City of Chicago. *Chicago*.
- C. F. Huo*, A.B., Michigan, 1924. Expansion of Municipal Activities during the Last Quarter Century. *Harvard*.
- Chun Gi Kwei*, A.B., Ohio Wesleyan, 1922; A.M., Columbia, 1923. The Growth, Purposes, and Control of Municipal Debts. *New York University*.
- Bryce E. Lehman*, A.B., Minnesota, 1923; A.M., *ibid.*, 1924. City and County Consolidation. *Minnesota*.
- C. W. MacKenzie*, A.B., Dartmouth, 1920; A.M., Columbia, 1921. Tendencies in the New Hampshire Town Meeting. *Columbia*.

- George H. McCaffrey*, A.B., Harvard, 1912; A.M., *ibid.*, 1913. The Projected Consolidation of Cities and Towns in the Boston Metropolitan District. *Harvard*.
- James R. McVicker*, A.B., Iowa, 1911; A.M., *ibid.*, 1912. A Study of the Administration of Justice in the Iowa County. *Iowa*.
- M. C. Mitchell*, A.B., Geneva College, 1911. Assessment of Property for Taxation in American Cities. *Harvard*.
- R. L. Olson*, A.B., South California, 1918; J.D., *ibid.*, 1922. The Relation of Southern Californian Cities to Colorado River Water Supply Projects. *Harvard*.
- Winslow Porter*, LL.B., Missouri, 1909; S.B., Boston, 1923; Municipal Revenue from Public Utilities in United States. *Harvard*.
- J. T. Salter*, A.B., Oberlin, 1921. The Operation of the Non-partisan Ballot in Third Class Cities in Pennsylvania. *Pennsylvania*.
- J. T. Sly*, A.B., Iowa State Teachers' College, 1917; A.M., University of Iowa, 1921. Contemporary Town Government in New England. *Harvard*.
- M. V. Smith*, A.B., Pomona, 1923. Municipal Censorship of Public Amusements, especially of Motion Pictures. *Harvard*.
- Robert E. Taylor*, A.B., Michigan, 1912; A.M., *ibid.*, 1913; LL.B., St. Louis, 1913; LL.M., *ibid.*, 1920. Municipal Budget Systems. *Chicago*.
- S. C. Wallace*, A.B., Columbia, 1919; A.B., *ibid.*, 1920. State Administrative Control over Cities. *Columbia*.
- Harold Zink*, A.B., Denver, 1921; A.M., *ibid.*, 1923; S.T.B., Boston, 1923. A Psycho-Biographical Study of Municipal Bosses in the United States. *Harvard*.

## FOREIGN AND COMPARATIVE GOVERNMENT

- Gladys Blakey*, A.B., Knox, 1912; A.B., Vassar, 1913; A.M., Minnesota, 1916. Preferential Tariffs in the British Empire. *Minnesota*.
- William Casey*, A.B., James Millikin University. Recent Party Developments in Great Britain. *Illinois*.
- C. Y. Cheng*, A.B., Peking, University, 1913; A.M., Columbia, 1923. Schemes for Imperial Federation. *Columbia*.
- W. H. Chiao*, A.B., Wisconsin, 1920; A.M., *ibid.*, 1922. Devolution in the British Empire. *Columbia*.
- A. G. Dewey*, A.B., McGill, 1911; A.M., *ibid.*, 1913. Canada and the Britannic Question. *Columbia*.
- Maximo M. Kalaw*, A.B., George Washington University, 1916. Philippine National Politics, 1872 to 1921. *Michigan*.
- C. H. Kan*, A.B., Wisconsin, 1922. Some Political Aspects of the French Budget. *Harvard*.
- Gerda Richards*, A.B., Smith, 1922; A.M., Radcliffe, 1923. The Development of Political Parties in the Reign of George III. *Harvard*.
- Allan F. Saunders*, A.B., Amherst, 1918; A.M., Wisconsin, 1920. The Government of Scotland. *Wisconsin*.
- C. Y. Skill*, A.B., Minnesota, 1924. Interstate Law in Ancient China. *Minnesota*.

## INTERNATIONAL LAW AND INTERNATIONAL AFFAIRS

- Bernabe Africa*, LL.B., Southern California, 1917; LL.M., Michigan, 1924. Political Offenses in Extradition. *Michigan*.
- Dennis D. W. Brane*, A.B., Otterbein College, 1921. Official International Unions, 1856-1914. *Harvard*.
- H. A. Briggs*, A.B., West Virginia, 1921. The Doctrine of Continuous Voyage. *Johns Hopkins*.
- Ming K. Chao*, A.B., Cornell, 1922; A.M., *ibid.*, 1923. Joint Action of Foreign Powers in China. *Harvard*.
- Jay Cohen*, A.B., College of City of New York, 1918. Development of Prize Law since 1900. *Columbia*.
- William H. Cooke*, A.B., Pomona, 1920; A.M., *ibid.*, 1921. The Caillaux Movement for European Peace. *Stanford*.
- Franklyn D. Daines*, A.B., Brigham Young College, 1906; A.M., Harvard, 1912. The Rhine Policy of France. *California*.
- Clyde Eagleton*, A.B., Austin College, 1910; A.B., Oxford, 1917; A.M., Princeton, 1914. The Responsibility of States in International Law. *Columbia*.
- Luther H. Evans*, A.B., Texas, 1923; A.M., *ibid.*, 1924. International Mandates and the Administration of Backward Areas. *Stanford*.
- George M. Gage*, A.B., Kansas, 1922. Three Factors in the Causation of Modern War. *Stanford*.
- C. Luella Gettys*, A.B., Nebraska, 1920; A.M., *ibid.*, 1921. The Effect of Changes of Sovereignty upon Nationality. *Illinois*.
- L. M. Goodrich*, A.B., Bowdoin, 1920; A.M., Harvard, 1920. Res Judicata. *Harvard*.
- N. D. Houghton*, B.S., Missouri State Teachers' College, 1921; A.M., Missouri, 1923. De Facto Governments: A Study in American Policy. *Illinois*.
- Shushi Hsu*, A.B., Hongkong University, 1917; A.M., Columbia, 1919. China and her Political Entity. *Columbia*.
- Maria C. Lanzar*, Ph.B., University of the Philippines, 1922; A.M., *ibid.*, 1923. The Anti-Imperialist League. *Michigan*.
- Harold D. Lasswell*, A.B., Chicago, 1923. Phases of International Attitudes. *Chicago*.
- S. H. Lau*, A.B., Shanghai College, 1922. American Foreign Policy in China since 1898. *Chicago*.
- Walter H. C. Laves*, Ph.B., Chicago, 1923. The German Attitude toward Foreign Investments. *Chicago*.
- S. S. Liu*, A.B., Johns Hopkins, 1921; A.M., Harvard, 1923. Extraterritoriality: Its Rise and Decline. *Columbia*.
- Edward B. Logan*, Ph.B., Chicago, 1922. Trans-Pacific Communications. *Pennsylvania*.
- Mildred Moulton*, A.B., California, 1921; A.M., *ibid.*, 1923. The Conference as an Organ of International Government. *New York University*.
- B. C. Randolph*, A.B., Hollins, 1912; A.M., Radcliffe, 1916; Regional Understandings. *Harvard*.
- B. C. Rodick*, A.B., Bowdoin, 1912; A.M., Harvard, 1914. The Doctrine of Necessity. *Columbia*.

- Adolf Solansky, A.M., Columbia, 1924. *Military Occupation. Columbia.*
- M. W. Royce, A.B., Minnesota, 1919; A.M., Columbia, 1922. *International Law of the Air. Columbia.*
- Constant Southworth, A.B., Harvard, 1915. *The Colonial Venture of France. Brookings Graduate School.*
- Irvin Stewart, LL.B., Texas, 1920; A.B., Texas, 1922. *Consular Privileges and Immunities. Columbia.*
- William M. Strachin, A.B., Michigan, 1912; LL.B., *ibid.*, 1915; A.M., *ibid.*, 1923. *Radio Communication in International Law. Michigan.*
- Amry Vandenbosch, Ph.B., Chicago, 1920. *Dutch Neutrality During the World War. Chicago.*
- R. R. Wilson, A.B., Austin, 1918; A.M., Princeton, 1922. *Compulsory International Agreements. Harvard.*
- J. M. Yang, A.B., Peking University, 1912. *The League of Nations and Opium. Columbia.*
- C. Walter Young, A.B., Northwestern, 1922; A.M., Minnesota, 1924. *Japanese Policy in Manchuria with Special Reference to the Open Door. Minnesota.*
- J. F. Zimmerman, A.B., Vanderbilt, 1913; A.M., *ibid.* *Impressment of American Sailors. Columbia.*
- T. Y. Zsce, A.B., Johns Hopkins, 1921. *China and the Most Favored Nation Clause. Columbia.*

## POLITICAL THEORY

- Natalye A. Colfelt, A.B., Vassar, 1921; A.M., Stanford, 1923. *The Political Philosophy of the Progressive Party. Stanford.*
- Paul Cuncannon, A.B., Swarthmore, 1915. *The Political Theories of Theodore Roosevelt. Princeton.*
- Ralph Fletcher, A.B., Washington University, 1924. *The Influence of Racism on Political Thought and Political Action. Brookings Graduate School.*
- Clyde W. Hart, A.B., Millikin, 1915. *Political Theory in American Literature. Chicago.*
- Helen D. Hill, A.B., Bryn Mawr, 1921. *Federalism in Recent Political Theory. Chicago.*
- Mary Z. Johnson, Ph.B., Chicago, 1924. *History of Theory of Democracy since 1848. Chicago.*
- Lewis W. Jones, A.B., Reed College, 1922. *Human Nature and Social Reform. Brookings Graduate School.*
- Harry M. Kenin, A.B., Washington, 1921; A.M., *ibid.*, 1923. *The Political Psychology of the Conservative and the Radical. Chicago.*
- Charles R. Layton, A.B., Otterbein, 1913; A.M., Michigan, 1917. *The Political Thought and Influence of John Bright. Michigan.*
- P. G. Neserius, A.B., University of Washington, 1921; A.M., Chicago, 1922. *Political and Social Ideas in Greek Literature. Columbia.*
- Anne Wade O'Neill, A.M., Clark, 1918. *The Political Theory of Francis Lieber. California.*
- Frank Paddock, A.B., Indiana State Normal, 1916. *English Theories of Functions of Government since 1776. Wisconsin.*

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- Elbert D. Thomas*, A.B., Utah, 1906. *Ancient Chinese Political Theory. California.*
- R. D. Watkins*, A.B., Johns Hopkins, 1922. *The State as a Party Litigant. Johns Hopkins.*
- Houston White*, A.B., Davidson, 1921. *The Judicial Theory of Judicial Power. Princeton.*
- B. F. Wright, Jr.*, A.B., Texas, 1921; A.M., *ibid.*, 1921. *Natural Law in American Political Theory. Harvard.*

## LABOR, TAXATION, PUBLIC UTILITIES, AND SOCIAL CONTROL

- Herman C. Beyle*, A.B., Central College, 1912, A.M., Chicago, 1916. *History of Labor Legislation in Ohio. Chicago.*
- Anna M. Campbell*, A.B., Illinois, 1920; A.M., Wisconsin, 1923. *Comparative Trade Union Law in America and Foreign Countries. Wisconsin.*
- Herbert B. Doran*, A.B., Lawrence, 1919; A.M., Wisconsin, 1920. *Credit of Public Service Companies. Wisconsin.*
- H. S. Ephron*, A.B., Toronto, 1923. *Elements of a Labor Party in the American Labor Movements. Johns Hopkins.*
- Olga L. Halsey*, A.B., Wellesley, 1912; A.M., *ibid.*, 1916. *Unemployment Insurance. Wisconsin.*
- C. M. Kneier*, A.B., Illinois, 1922; A.M., *ibid.*, 1924. *State Regulation of Public Utilities in Illinois. Illinois.*
- Sotaro Matsushita*, A.B., California, 1917; A.M., *ibid.*, 1919. *The Political Organization of Labor. Harvard.*
- Jan Maria Novotny*, Doctor Juris, Prague, 1921. *Taxation of Unearned Incomes. Pennsylvania.*
- Paul A. Raushenbush*, A.B., Amherst, 1920. *Recent Trade Union Development in Germany. Wisconsin.*
- Herbert D. Simpson*, A.B., Princeton, 1902; A.M., *ibid.*, 1904. *The Taxation of Public Utilities Corporations. Wisconsin.*
- Frank Tannenbaum*, A.B., Columbia, 1921. *The Causes and Wastes of Crime. Brookings Graduate School.*
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## BOOK REVIEWS

EDITED BY W. B. MUNRO

*Harvard University*

*A History of Political Theories, Recent Times: Essays on Contemporary Developments in Political Theory.* By STUDENTS OF THE LATE W. A. DUNNING, edited by C. E. MERRIAM and H. E. BARNES. (New York: The Macmillan Company. 1924. Pp. viii, 597.)

This volume of essays forms a fitting memorial to a great political theorist and historian. It is in itself ample justification of the life of the foremost American scholar in this field, were any other necessary than the long list of his distinguished contributions to political literature that are recited in the preface. For the names of his students who have themselves attained distinction show that the seeds of Professor Dunning's scholarship fell on fertile ground. One reflects how fruitful can be the work of a single man, if he be the inspired teacher that was Professor Dunning. But the immediate interest of this volume to students of politics lies in the place it attempts to fill by carrying Professor Dunning's own *History of Political Theories* up to contemporary thought. He himself is reported to have felt that modern political theory in the current of revolt against the state was "radically unintelligible," (p. 313) but his students have happily not been willing to leave the matter there.

Naturally a volume of single essays, contributed even by such distinguished students, must lack the continuity and singleness of view of the master, and is sure to be more or less uneven in quality. In many ways, however, the range of views is a compensation. The editors are to be congratulated, too, upon running even a slender thread of selection through topics that range from the contributions of sociology, social psychology, anthropogeography, and anthropology, through the traditional concerns of political theory such as sovereignty, pluralism, international law, socialist and proletarian theory, all the way to the political implications of recent philosophical thought. There is, unfortunately, an excessive overlapping of the essays, and a tone too largely sociological.



Professor Merriam, who has become the dean of American theorists with the passing of his old master, contributes an introduction to the volume, "Recent Tendencies in Political Thought." It is marked by his usual felicity of insight and broad grasp of the whole field. He propounds the following questions as a guide to the bird's-eye view that, as joint editor with Professor H. E. Barnes, he has had to keep in mind: "What were the outstanding social forces of this period? What were the most conspicuous groups that developed systems of political rationalization? What was the intellectual equipment, the reasoning technique of the various competing groups? What were, more specifically, the ways of arriving at political truths—the methods of political inquiry? . . . And finally, what progress was made in the discussion of what are commonly regarded as the fundamentals of political theory?" (p. 1). These questions supply a key to the rest of the volume, though it is a key which seems to fit very few of the essays that follow.

Depending on one's point of view, it may be thought fortunate or unfortunate that very few of the essays are at all preoccupied with the question of the quantitative and statistical methods (as applied to the technique of political research) to which Professor Merriam has latterly devoted himself. To the reviewer it seems that political theory, although it cannot slight the problem of the methodology of research, is chiefly concerned with a political evaluation of the descriptive material that is properly the concern of the other social sciences, and of the administrative and structural fields of political science. In this respect many of the essays, though they are useful grist for his mill, may seem to the student of theory incompletely assimilated to the field of politics.

In the matter of the impact of philosophical doctrines on political theory, one must be a little astounded—in the face of the evidence to the contrary—by Professor Merriam's assertion that: "It cannot be said that either Bergsonism or Pragmatism exerted a wide influence on the course of political thought in the period under discussion, whatever power they may later wield, or that current political theory made wide use of its (sic) forms or methods" (p. 15). The rest of the volume contradicts this assertion by the frequency with which reference is made to pluralism and to anti-intellectualism, and to the names of Laski, Sorel, Duguit, Pound and others whose method and philosophy are pragmatic in the extreme.

Professor Schneider's interesting summary of the "Implications of

Recent Philosophical Movements" takes a very different view, though he is by no means sure that the conclusions of the political pluralists are based upon a really radical philosophical pluralism. His summary of philosophical tendencies, however, does not issue in a very convincing linkage with political movements. Professor Coker, though, has contributed an admirable essay on "Pluralistic Theories and the Attack on State Sovereignty," which leaves only one regret—that it could not be even further expanded, as it sums up most of the politically important problems broached in the rest of the volume. The same thing can hardly be said for the chapter on juristic theory by Professor Patterson which is characterized by a disproportionate emphasis on the American sociological jurists, to the almost complete exclusion of names like those of Sierke, Berolzheimer, Esmein, Jellinck, who certainly had more of an impact on political theory.

Space and the widely differentiated character of the other essays forbid even the exposition of their main contributions. Some of them follow Professor Barnes' example of attempting little more than a bibliographical summary; but the names of E. M. Borchard, Carlton, J. H. Hayes, Paul H. Douglas, C. E. Gehlke, A. E. Goldenweiser, F. Thomas, F. U. Hankins, and M. W. Willey indicate the generally high level of scholarship that is maintained in the fields to which they contribute. So far as the reviewer knows there is no similar effort to bring together in the compass of a single volume even a sketch of the contemporary contributions made by the studies so germane to politics. The experiment is, on the whole, very successful in providing both teachers and students of modern political theory with a useful text. It should encourage other and more extensive symposia in fields which to a single researcher are almost impossibly vast.

W. Y. ELLIOTT.

*University of California.*

*The Fundamental Concepts of Public Law.* By WESTEL W. WILLOUGHBY. (New York. The Macmillan Company. 1924. Pp. xvii, 499.)

Since this book is a convenient introduction to the theory of public law as actually practiced, the reader instantly thinks of the three great English names identified with that subject: Hobbes, Bentham, Austin. There is, it seems, no easy way to connect the dates of those classical writers. Yet a year convenient for Americans to bear in mind—1776—may be taken as a key date. Hobbes' *Leviathan* appeared

a century and a quarter earlier—in 1651. In 1776, Bentham began his career with *A Fragment on Government*. Half a century later—in 1826—Austin gained his opportunity by becoming professor of jurisprudence in the University of London; and soon afterwards he brought from Prussia his rather militaristic conception of law and of sovereignty. It is noticeable, by the way, that in her preface to his *Lectures on Jurisprudence* Mrs. Austin says: “At a very early age Mr. Austin entered the army, in which he served for five years; a fact which would have no place here, but for the permanent traces it left in his character and sentiments. Though he quitted it for a profession for which his talents appeared more peculiarly to fit him, he retained to the end of his life a strong sympathy with, and respect for, the military character as he conceived it.”

Possibly, then, the Austinian theory was not actually made in Germany. However that may be, unquestionably the Austinian theory threw into the placid Anglo-American mind an apple of discord, with results not to be adequately described without mixing metaphors. Not that the practicing lawyers have cared, nor the judges, nor even the authors of those books which are the daily food of the profession. No; for their purposes—save, indeed, when they make a quasi-learned address,—there might just as well have been no Austin. The persons who have cared have been the few teachers of analytical jurisprudence and the many teachers of government.

And so it happens that about a century after Austin's return from Prussia, any teacher of analytical jurisprudence or of government who opens this latest work on the fundamental concepts of public law will ask at the outset whether the author, whose earlier dealings with this subject are well known, should continue to be classed as an Austinian. The answer is, essentially, yes; but not in any slavish sense, for there is ample and acute criticism of terms, and there is also original discussion of the problems raised by the new readjustments of the British Empire and by the mandates under the Treaty of Versailles and by other phenomena of recent history. Thus this book, though not at all heterodox, is independent and timely and interesting.

It is divided into two parts. The first part is devoted to defining fundamental concepts, and the second part is devoted to practical applications. Each part may be read separately, the first appealing to minds enjoying philosophical terminology, and the second appealing to minds having chiefly a lawyerlike quality. Yet surely every one, whatever his personal equation, will profit by the chapters on the

value of juristic political philosophy, on sovereignty, on the federal state, on the United States of America, on territorial jurisdiction, on personal jurisdiction, on extraterritorial jurisdiction, and on the suability of the sovereign.

Finally, it must be emphasized that in discussing the topics named, and all other topics, this book attempts to ascertain what the law is, and not whether there should be any law at all, nor yet what would be an ideal system. As the preface says: "In a volume which the author expects to publish in the near future the various questions relating to the ethical right of the State to exist and the legitimate extent of its authority will be discussed. In the present volume will be considered only those fundamental concepts which are employed by jurists in dealing with the State." In short, the point of view here taken was meant to be—and indeed it is—lawyerlike, or, as an analytical jurist may well prefer to say, juristic.

EUGENE WAMBAUGH.

*Harvard Law School.*

*The Passing of Politics.* By WILLIAM KAY WALLACE. (New York: Macmillan Company. 1924. Pp. 323.)

In "The Trend of History" the author traced the growth of the modern political state from its mediaeval origins to its present-day expressions in expansion and conflict. He achieved a readable and suggestive synthesis of the main currents of recent development. In the present work he carries his thesis forward and projects the future of the state upon background of this analysis. "We may thus be in a position to show how politics as the focus of social life has declined; . . . (how) the era of politics is drawing to a close and a new stage is opening before us."

The main portion of the book is devoted to an analysis of the underlying principles of politics—liberty, equality, the various specific "rights" of man—and their relation to modern political institutions on the one hand and a developing economic society on the other. The author considers democracy "a healthy function in that it acts as the dissolving agency of decadent institutions." He indicates the influence of individualism in the breakup of the feudal order and its generalization in the personal theory of the state and the resulting competitive imperialism of recent international politics.

The inadequacy of the democratic state, with its false emphasis on the volitional element in political decisions, to solve the economic

and industrial problems of the community is the major premise of the book. While there is nothing essentially new in the material or the structure of the argument, Mr. Wallace has drawn an interesting and pertinent comparison between the methods of politics and economics. His emphasis upon a shift from an individualistic to a "collective" basis of social theory and action is perhaps his most useful suggestion. "The increase of wealth and of population, of well-being and the normal duration of life . . . are coefficients of the economic efficiency which is transforming the character of social life."

Though his facts are drawn from secondary sources the author has succeeded remarkably well in making his picture unbiased as well as attractive. If he had shown a more adequate acquaintance with others working in this borderland between government and industry—Hobson, Cole, Duguit, Krabbe, Burns, Laski and others—his own contribution would have gained the strength of buttressing authority.

PHILLIPS BRADLEY.

*Wellesley College.*

*The New Governments of Central Europe.* By MALBONE W. GRAHAM, JR., assisted by ROBERT C. BINKLEY. (New York: Henry Holt and Company. 1924. Pp. x, 683.)

This excellent volume will be of great service to students interested in comparative government. Although the new constitutions of Europe have been made available in various forms and much has been written in the aggregate about the recent political history of the Central European states, there was need of a treatise which should summarize the main provisions of these new constitutions and the political events which preceded and have followed their adoption. In this book the need has been met with regard to Germany, Austria, Hungary, Czechoslovakia and Yugoslavia. From scattered sources, no doubt a diligent student could learn far more about any one of these states, but it would be difficult, indeed, to indicate a volume in which so much information regarding them is brought within like compass.

The authors very wisely have not undertaken to print again the new constitutions with which revolution has blessed all these states except Hungary. They have, however, supplemented their own summary statement and interpretation of the events of the five-year period following the war by a series of documents which the careful student may use with much profit. Chief among these documents are selec-

tions from the proclamations of the authorities and of the leaders of important groups in times of crisis and programmes announced at intervals by the various political parties. Taken together they trace the principal lines of opinion and action which have given form to the existing governments and parties.

Perhaps the most striking feature of the work is the series of "time charts," one for each of the countries involved and a comparative one for them all, in which the authors attempt a graphic portrayal of political events and especially of party oscillations. Whatever these oscillations may signify and however great the temptation to deduce too much from any particular realignment, the charts are a welcome mechanical aid to the reader. Even with their help, the mass of information is at times a little confusing. Moreover, the comprehensive chart is of special value in the study of "the political cycles from revolution to normalcy" in the new states. Whether we look to Vienna or Berlin, to Belgrade or Prague, we see a certain parallelism of political events and development which the graphic treatment helps to make clear.

A certain caution, however, must be observed in the use of books of this kind. Of necessity they emphasize formal occurrences. Party programs and changes of ministry stand out large. But, even though we admit that such programs issued in Budapest or Munich mean more than platforms published in New York or Cleveland, still they need not be taken too seriously. Social Democrats and Communists have been known to play politics. It will be years before we can weigh accurately events which in this book must be dismissed with a paragraph: if we are ever to weigh them accurately we shall need not paragraphs but volumes. Moreover, the difficulties of compressed statement are only increased when the authors venture, as they occasionally do, into the weighing of personalities and the tracing of causes and effects. These are controversial points, and, if a controversial point is to be treated summarily, it is doubtful wisdom to treat it at all. For instance, the mildly unfavorable opinion of President Ebert, expressed in six lines on page 58, should have been either expanded and defended or not expressed.

But within the inevitable limits, which the authors have in general admirably observed, the book would be hard to improve. It is not a systematic discussion of general problems, but a report on experiments which are now being worked out in the political laboratories of Central Europe. Whoever reads the report with care will gain a

clearer understanding of those experiments and a livelier appreciation of their importance.

H. A. YEOMANS.

*Harvard University.*

*Second Chambers in Theory and Practice.* By H. B. LEES-SMITH. (London: George Allen & Unwin, Ltd. 1923. Pp. 256.)

The Parliament Act of 1911, while reducing the powers of the English House of Lords to those of a mere revising body capable of delaying the passage of other than money bills but not of permanently thwarting the will of the House of Commons, left the question of reform in the composition of the upper chamber unsettled. This question has since remained in the background of English politics. In 1917 a "Conference on the Reform of the Second Chamber" was set up by the prime minister, consisting of thirty members drawn from both houses and all parties under the chairmanship of Lord Bryce. This body made an intensive comparative study of second chambers, with special consideration of those in the self-governing dominions. The subject was later examined by a special Cabinet Committee, whose report was made the basis of a series of government resolutions presented, in 1922, to the House of Lords, where they met a most frigid reception. Here the matter rests for the present, but the subject is of such importance, and the need for reform of some kind is so generally recognized, that it is certain discussion of the subject will be resumed.

In reviewing the evidence presented to the Bryce Conference, which was never published; in independently collecting considerable additional information, in analyzing the data and in presenting his own reasoned conclusions on the problem of second chambers, Mr. Lees-Smith has been primarily concerned with the situation in England. His work constitutes, however, a very valuable addition to the general literature of comparative constitutional law, and will be welcomed by students in this field. The composition, powers, and actual working of the upper chambers in Canada, Australia, New Zealand, South Africa, the Irish Free State, and Northern Ireland, within the Empire, are given careful consideration. Apart from a very brief and inadequate description of the senates of France and the United States, the only other government studied is that of Norway. In his chapter of twenty-five pages on "The Norwegian Second Chambers" is to be found the most interesting and lucid description of the essential features of the government of Norway with which the reviewer is familiar.

The author is only concerned with the character of second chambers in governments of the parliamentary type. His conclusions, therefore, do not apply to systems like that of the United States, where the principle of the separation of powers obtains. In parliamentary governments, he believes, the upper chamber should be constructed on a very simple system. Since it does not possess any share in the control of the executive, its position in the constitution is essentially a subordinate one. Though there may be practical and historical reasons for giving some representation to an hereditary peerage, such an element ought to constitute at most a small fraction of the entire body. Otherwise it must be based on nomination or election. Nomination in a democratic country means selection by the Prime Minister, which experience proves results in purely partisan appointments. It is, therefore, to be condemned. As between direct and indirect election the author believes that the latter is preferable. Direct election not only involves the confusion, labor, and expense of general elections, but tends to develop a claim by the upper chamber to a rival authority with the lower house. Indirect election by local authorities "introduces artificial and unsuitable issues into local politics and fails to give the more advanced parties representation which corresponds to their real strength." This method also tends to elevate the second chamber into a coördinate position with the first. Thus by elimination the conclusion is reached that election by the lower chamber itself is "the only means of securing a second chamber which has a representative character and is, at the same time, quite free from the danger of contesting the authority of the lower house." It was this method which was proposed by the Bryce Conference as the basis for three-fourths of the House of Lords. It has been employed in a number of recent constitutions with apparent success. Whether the Norwegian practice should be followed of not only electing the members of the upper chamber by, but also from the lower house, may be open to question. The election will inevitably be made on party lines. In order that minority parties may receive their due share of the membership the system of proportional representation should be used. The term of members of the upper chamber should coincide with that of the lower, in order to secure its truly representative character.

Such a body is, of course, premised upon the principle that "No second chamber—should be entrusted with the right to defeat legislation. Its proper function is to make suggestions for amendments,



and its power should be confined to securing sufficient delay to ensure that these amendments shall be properly debated, and that sufficient time shall be allowed for the expression of public opinion upon them."

WALTER JAMES SHEPARD.

Washington, D. C.

*Government of the West Indies.* By HUME WRONG. (New York: Oxford University Press. 1923. Pp. 190.)

*Race Problems in the New Africa.* By WILLIAM C. WILLOUGHBY. (New York: Oxford University Press. 1923. Pp. 296.)

*Christianity and the Race Problem.* By J. A. OLDHAM. (New York: George H. Doran Company. 1924. Pp. xx, 279.)

*Tropical Holland, An Essay on the Birth, Growth and Development of Popular Government in an Oriental Possession.* By H. A. VAN COENEN TORCHIANA. (Chicago: University of Chicago Press. 1921. Pp. xiv, 305.)

This group of works is a welcome addition to the comparatively barren literature on colonial government. Together with Sir Frederick Lugard's *Dual Mandate in Tropical Africa* and the fourth edition of Professor Arthur Girault's *Principes de colonisation et de législation coloniale*, they fill a long-felt lacuna in this field. Mr. Wrong is concerned primarily with the constitutional problems which have arisen in British colonies in the Caribbean. "In the West Indies the student of the constitutional evolution of the British Empire may see the process of change, familiar in the Dominions, from representative to responsible government, reversed by the gradual elimination of elected Assemblies. He may examine here and in Bermuda the only three surviving examples of the old form of colonial representative government, a system which has left its mark deeply on the constitution of the United States, especially in the separation of the powers of executive and legislature. He may study in the early history of British Honduras, and in the surviving example of the Cayman Islands, instances of primitive and spontaneous democracy set up without the sanction of the Crown. He may investigate in the Leeward Islands both a very early and a comparatively recent example of political federation. He may, above all, explore a whole series of attempts to compromise between the grant to the colonies of representative institutions and the grant of full responsible government, the same problem which has recently been faced in a new way and on an infinitely greater scale in India. The field is rich with constitutional

experiments and political devices, tropically luxuriant as the soil of the colonies themselves, with a variety almost alarming in its profusion." Probably the most interesting part of this careful study is the discussion of the failure of representative government—of a legislature elected by the colonists with an executive controlled by the British Crown—in Jamaica. In his opinion, the legislature must rule the executive, or the executive must be able to control the legislature—there is no middle ground (p. 177). At the present time, there is no desire in the colonies for the establishment of responsible government or even for dyarchy. Nevertheless, there has been friction between the executive and the legislature, which he believes might be solved by authorizing the Governor to carry measures by the votes of the official members alone—a suggestion made by Mr. Wood in his report of 1922.

As the title of his book implies, Mr. Willoughby, who has been a principal of the L. M. S. Native Institution, Tiger Kloof, South Africa, is interested more in the racial and social problems of colonial government, than its constitutional side. He devotes most of his book to a study of Bantu life and thought, and the effect upon the Bantu of European contacts. He believes that the annexation of territory by European powers in Africa, was not only inevitable but desirable in order to establish legal checks upon the otherwise unrestrained activities of white filibusters. Probably the most important problem of the government of Africa is the problem of education. "But it must be *proper* education, not mere book-learning. It must strengthen the weak points of Bantu character. Anything that can be learnt by rote or done by simple imitation comes easy to these peoples; but they have never perceived the importance of carefulness, accuracy, and the proper co-ordination of brain, eye, and hand." (p. 183) He does not accept the belief that the negro is inherently indolent. Forced labor is a defective policy because it fails to make industry attractive. The inefficiency of the native is not due to any innate defect of character but to the fact that he is untrained (p. 219). The resentment of the Bantu to European exploitation has taken the form of "Ethiopianism," which has also been stimulated by the fact that under foreign control, the natives "see a freedom and power of which their fathers never dreamt . . ."

According to Mr. Oldham's stimulating study, "the ultimate political problem of the world is how the different races which inhabit it may live together in peace and harmony." While he realizes that

racial prejudices exist, he believes they have their roots in moral rather than in instinctive causes. He is also prepared to admit that there are differences between races and that some races are superior to others. But he points out that up to the present we do not know whether these superiorities are due to racial or to environmental causes. Although races may be different, underlying all these differences there exists a common humanity. He discusses the inter-racial problems which have arisen out of the projection of the white race into the tropics and of the entrance of the colored races, by emigration, into the temperate zones. Imperialism, in his opinion, can be justified only by the policy of trusteeship. If inter-racial peace is to be maintained, an exclusion policy must be established but by means which will not needlessly irritate the colored races. As a general rule, he believes that racial marriages are undesirable; and in some cases a policy of social separation—not of discrimination—is the best means of preventing racial strife. He concludes by stating that the fundamental issues in racial relations are not ethnological or biological, but ethical. He believes, along with Mr. Willoughby, that the Christian Church has a fundamental part to play in solving the problem. While from the standpoint of abstract scholarship the frankly ethical approach to the subject may discount this book with some people, it is nevertheless a very welcome antidote to the outpourings of the racial alarmists who have been afflicting America for the last several years.

In his essay on Tropical Holland, Mr. Torchiana, the Consul General of the Netherlands for the Pacific Coast, has given us a well-written account of the historical development of Insulinde under Dutch control. Despite the abolition of the old culture system, which he does not attempt to justify, Dutch policy has not reached the ideal, as the maintenance of the penal sanction for the violation of labor contracts indicates. However, the natives are being given an increasing participation in the government, through such bodies as the Volksraad. All of the three latter writers are aware of the spread of nationalistic doctrines among the colored peoples; and their comments as to the extent to which the west should recognize these aspirations, are as intelligent as they are interesting.

RAYMOND L. BUELL.

*Harvard University.*

*A History of the Foreign Policy of the United States.* By RANDOLPH GREENLEAF ADAMS. (New York: Macmillan Company. 1924. Pp. xv, 490.)

In his preface the author states that he has "felt the need of books on foreign policy which will epitomize the results of research in that field." His work meets that need. The style is that of vigorous conversation, which will add interest for many readers. The outline maps increase the value of the book. Among the illustrations, the faces of Franklin, J. Q. Adams, Marcy, Fish, and John Hay are missing; but one is rewarded by finding the less familiar likenesses of Beaumarchais, Shelburne, C. F. Adams, Drago, Burlingame, Townsend Harris, and Walter Hines Page.

The book surveys in eighteen short chapters the more important events in our foreign relations, beginning with the papal bull of Alexander VI and ending with a quotation from the winner of the Bok peace prize. Time and again the sensitiveness of America to conditions in Europe is noted. On page 21, "George Washington's farewell address may have been a pious hope that America could steer clear of European quarrels, but it certainly was not a statement of that as a fact." Prior to the Revolution the Americans were repeatedly drawn into European conflicts. In the Revolution they brought about a European war. In 1812 and in 1917 the Americans were pulled into the European maelstrom. A chapter each is given to our rivalry with Japan, the open door to China, the Caribbean, and relations with Mexico, while Russian recognition, the Washington Conference, Canadian relations, enemy property, and recrudescence of isolation are all touched upon in the last chapter.

Several inexact expressions appear, as on page 27: "the incompetent Duke of Newcastle." J. S. Corbett (*England in the Seven Years' War*) has given us a better estimate of that minister. On page 174: "The Europe of that day was under the domination of an alliance of emperors variously known as the Quadruple Alliance and the Holy Alliance." This shows a failure to differentiate between the two alliances, which is again apparent on page 180, where "Britain's action in withdrawing from the Holy Alliance" is mentioned. On pages 215 and 216 the impression is given that the Americans were largely the losers by the North Atlantic Fisheries Arbitration. On page 244: "England would not admit that the Monroe Doctrine was a part of international law." And on page 245: ". . . she was not yet willing to admit that the Monroe Doctrine was international law,

although in this instance (Venezuela) it was certainly enforced against her." The Monroe Doctrine is a policy and not law in any form. On page 367: "So perhaps the best way to put it is to say that the shipment of contraband is legal unless the neutral shipper gets caught." Getting caught is one of the risks and does not affect the legality of the shipment (see *Northern Pacific Railway Co. v. American Trading Co.* 195 U. S. 439). On page 375: "In international law, it should be repeated, a belligerent war vessel may capture her enemy's trading vessels wherever she can take them on the high seas, but she must take her prize into port and have it condemned in a prize court, thus saving the lives of the crew and passengers." For the circumstances under which enemy merchant vessels may be sunk, see *Instructions for the Navy of the United States*, 1917, section 13, and Scott's *Cases on International Law*: the "Lusitania," 789, the "Cheref," 792, and the "Knight Commander," 793.

The footnotes reveal that the author has rarely examined the sources but has relied largely upon the contributions of American scholars. With these as a background he has depicted in good perspective the national interests and aspirations of the United States. To write the real history of our foreign policy would be an ambitious undertaking. A young man might well set that task for himself as a life work.

CHARLES E. HILL.

*George Washington University.*

*The Monroe Doctrine: Its Importance in the International Life of the States of the New World.* By ALEJANDRO ALVAREZ. (New York: Oxford University Press. 1924. Pp. x, 573.)

It is eminently proper that a Latin American publicist should give to the world a book on the Monroe Doctrine, which has had so profound an influence on the destinies of the Latin American states. Having long been a member of several societies interested in international relations and international law and having been a delegate to the Fifth Pan-American Conference, Don Alejandro Alvarez was eminently qualified for this task.

The book is divided into two distinct parts. The first, comprised in three chapters covering 110 pages, gives a "historical and comparative exposition of the ideas of the United States and Latin America with regard to the Monroe Doctrine," the principles of the doctrine and "their importance in the development and the new understanding

of international law," Europe's attitude toward the doctrine in 1923 and since that time, and the cases in which "the United States seems to have disregarded the Monroe Doctrine and hegemony." Of the 110 pages comprised in these three chapters 72 are made up of quotations from source material, taken mainly from Moore's Digest of International Law.

The second part comprises two sets of annexes, the first of which, covering 86 pages, consists mainly of documents taken from Latin American official or semi-official papers. The second is itself divided into two parts: the first, covering 182 pages, giving the opinions of Latin American statesmen and publicists; the second, covering 177 pages, giving like opinions in the United States from John Barrett to Woodrow Wilson. This means that the book may be set down as a source book of origin and development and should be welcomed by students of Monroe's policy; it would have been particularly welcome to the writer, for it contains many documents not elsewhere easily obtainable.

In reading some of the documents one reaches the conclusion that their relation to the Monroe Doctrine is very remote. Any state that has revolted and secured its independence would naturally hold that it was no longer open to colonization and it would be natural for several such neighboring states to think of confederating for defense; but, whatever may have been the personal inclinations of John Quincy Adams, Monroe certainly did not think of confederating with them. The attitude of the Fourth Pan-American Conference toward the Monroe Doctrine is given, but not a word about the way the American delegates shelved the author's proposals at the Fifth Conference, though it was held a year before the book was published. Neither in the official documents nor in the opinions of publicists do we find a word from Haiti, Santo Domingo, or Nicaragua. In the list of publicists quoted we find several names not very well known in North America, but that of Dr. Baltasar Brum is conspicuous by its absence. The list of cases in which the United States has disregarded the doctrine is not complete, and no mention is made of participation by the United States in European affairs or of arbitration of American disputes by Europeans. But these shortcomings, if such they are, are mere incidents in a book which will be of great service to students of the Monroe Doctrine and of Pan-Americanism.

DAVID Y. THOMAS.

*University of Arkansas.*

*The Constitution of the United States—Yesterday, Today and Tomorrow.*

By JAMES M. BECK. (New York: George H. Doran Company. 1924. Pp. xiv, 352.)

It must be said at the outset that Mr. Beck's volume has at least one fault and that a very serious one. Even a busy reviewer who picks it up casually, before condemning or commending, is forced to read the book from cover to cover, and then to read it a second time. The interest in Mr. Beck's book, leaving aside the subject (which still appeals to the staid and sedate and other old-fashioned people) is the outcome of a lively imagination, kept in control by sound learning, which it lights up but does not consume.

The federal convention met in May of 1787 in the city of Philadelphia, and finished its labors on September 17 with the Constitution of the United States to its credit. "The business being thus closed," Washington wrote in his Diary, "the members adjourned to the City Tavern, dined together and took a cordial leave of each other." Mr. Beck quotes this passage; he also quotes a "wish" of Dr. Franklin on another occasion that "it were possible to invent a method of embalming drowned persons in such a manner that they may be recalled to life at any period however distant; for, having a very urgent desire to see and observe the state of America a hundred years hence, I should prefer to any ordinary death being immersed in a cask of Madeira wine with a few friends till that time, to be then recalled to life by the solar warmth of my dear country." Mr. Beck takes advantage of the few lines in Washington's *Diary* and of Franklin's "wish" to have the thirty-nine signers of the Constitution take a turn through the City of Philadelphia on the night of the 17th of September 1887, a hundred years later, when a grateful nation was celebrating the success of their labors.

Between the chapters highly imaginative and interesting on "Franklin Gives a Dinner" and "A Century Later," Mr. Beck sketches the federal convention, its organization, its procedure, its difficulties, its compromises, its successes, and even its failures. He makes a great Virginian and a great Pennsylvanian the heroes of the convention and in so doing adds a human touch, rendering the story of the Constitution as fascinating as a novel.

Mr. Beck's volume is not only interesting, it is good and it is timely. It is based upon a minute study of Madison's *Debates in the Federal Convention*, and a careful reading of the other contemporary records. He has frequent words of praise for Luther Martin, delegate from Maryland, who stood like a rock for the rights of the small states

without which it is probable that we should have had no union of the states, certainly no peaceable or successful one. Mr. Beck praises the signers of the Constitution, but he is also fair to its opponents, as is rarely the case. Praise of Washington and Madison, and of Franklin and Wilson, is wholly consistent with justice to George Mason and Luther Martin.

"There is nothing so painful in the world as to think,"—Mr. Joseph H. Choate used to say. Hence we live in the craze of the new with a prejudice against the old because it is old,—and the Constitution is the oldest existing instrument of government. But thanks to its flexibility it is likewise the newest of constitutions. The federal government is a government of equal states in a union of their making, and those states amend the constitution at any time. There is ample room for improvement and for progress, provided the unthinking do commit the folly (against which Marshall sounded a note of warning a century ago) of trying to compound the American people into one common mass instead of leaving them, through their individual states, to exercise wisely their sovereign power. Mr. Beck's book is as a word in season.

JAMES BROWN SCOTT.

*Washington, D. C.*

*The Federal Trade Commission.* By GERALD C. HENDERSON. (New Haven: Yale University Press. 1924. Pp. xiii, 382.)

No governmental problem in the United States today commands, and is deserving of, greater attention than the rapid and continuous extension of legal control of social and economic interests, and the consequent employment of administrative agencies, in conjunction with the courts of law, for the application and enforcement of legislative policy. Convinced of the need and opportunity for research in this field, the Legal Research Committee of the Commonwealth Fund, acting upon the recommendation of its special committee on Administrative Law and Practice, has authorized investigations along two different lines: (1) A statutory survey of administrative powers for the purpose of showing the extent to which administrative control has actually been conferred; and (2) A series of intensive studies aimed to reveal the workings of certain administrative organs endowed with such powers of control. The present volume is the first of this latter series to be published.

Mr. Henderson prefaces his treatment of the Federal Trade Commission by expressing a conviction that the Commission has a valuable



and important function to perform,<sup>1</sup> and that its present defects can be corrected by changes of method and procedure or by minor legislative amendments. He excludes from his discussion those functions of the Commission which are not quasi-judicial in character, such as the collection of corporation reports, the conduct of special investigations, and the supervision of export trade associations.

Chapter I is devoted to the history of anti-trust legislation in the United States. The difficulties encountered in the enactment and enforcement of the Sherman Act are explained; the effect of court decisions, particularly in the application of the "rule of reason," is discussed; and the demand for a modification of the law regulating combinations and trusts, which culminated in the passage of the Federal Trade Commission and Clayton Acts in 1914, is analyzed. A thorough review of the legislation of 1914 is undertaken to show that those who had hoped to clarify the law of restraints and monopolies by substituting specific rules of conduct for general principles had largely failed; whereas both statutes were a decided victory for those who doubted the efficacy of legislative codification, and placed their reliance instead upon the development of rules and precedents by the gradual process of interpretation and decision of controversies by administrative and judicial tribunals.

In Chapter II the writer describes the procedure by which the Commission arrives at its findings of fact, and in Chapter III he comments upon, and criticizes, the form and quality of those findings. From the point of view of organization, the Commission's most important and most difficult task is that of maintaining a distinct separation between its prosecuting capacity and its judicial capacity—a task which, in the opinion of Mr. Henderson, the present procedure of the Commission does not enable it to accomplish. The form and content of the Commission's findings are criticized: (a) for their failure to present a fair statement of the respondent's side of a case; (b) because formal findings are made and published only in those cases in which the decision supports the charges of the Commission's complaint; (c) because formal and legalistic phraseology is employed in preference to simple narrative or descriptive statements of happenings and circumstances and signed opinions;<sup>1</sup> and (d) because of the practice of revis-

<sup>1</sup> The writer's views on this point coincide with those expressed by the first chairman of the commission, Hon. Joseph E. Davies. See his discussion of the Federal Trade Commission in a series of lectures delivered before the Bar Association of St. Louis on "The Growth of American Administrative Law" (1923), p. 85.

ing stipulated facts, of omitting matters favorable to respondents, and interpolating findings which are thought to strengthen the Commission's case.

Chapters IV and V present a detailed analysis and criticism of the work of the Commission in handling various types of cases, which are grouped into two major categories: those which involve an element of fraud or dishonesty, and those which involve practices not dishonest, but for some other reason supposed to be restrictive of fair competition. Limitations in the powers and procedure of the Commission are explained, and the value of its contributions estimated.

In conclusion, Mr. Henderson reiterates his conviction that the fundamental policy embodied in the Federal Trade Commission Act is sound, and that the Commission itself is in a position to render services of great value to the business community and to the country as a whole. An appendix contains the complete text of the Federal Trade Commission Act and those sections of the Clayton Act which concern the Commission. Case and topical indexes are offered for the guidance of readers. The entire book gives evidence of thorough and unbiased research. Students of American administrative law will welcome the appearance of other volumes in this series.

LLOYD M. SHORT.

*University of Missouri.*

*American State Government.* By JOHN MABRY MATHEWS. (New York: D. Appleton and Company. 1924. Pp. xv, 660.)

Professor Mathews is a recognized authority on state government by reason of his *Principles of American State Administration* (New York, 1917) his articles in the *American Political Science Review* and in other periodicals, and his official researches in connection with the Illinois and Oregon efficiency and economy commissions. The reader, therefore, will expect much of this book and in this expectation he will not be disappointed.

The present volume is more than a mere revision and compilation of Dr. Mathews' earlier writings although naturally he has made considerable use of their contents. *American State Government* starts with the thesis that "neither the national nor the local governments may be profitably studied or thoroughly understood as isolated phenomena without reference to their relations to the states." Hence, "the states occupy a pivotal position and form the most essential part of a study of the whole American governmental system." Accordingly,

the author devotes two chapters to federal and state relations and one chapter, supplemented by four appendices, to local government. As for the other parts of the book, the electorate, the legislature, and the judiciary receive two chapters each, the state constitution one chapter, while the remaining eight chapters deal with the executive, administrative organization, taxation and finance, regulation of business corporations, labor legislation, and other special topics.

Certain features stand out in the writer's treatment of his subject. In the first place, state government is described as a going concern with only a limited amount of historical material included as a background. Particular attention is given to administrative functions and to constitutional and legal questions. Secondly, Professor Mathews not only explains existing institutions but freely criticizes them and offers constructive suggestions. In most cases, these suggestions will meet with general approval but a few of them are more debatable. For instance, while the author believes that the state legislature should be a unicameral body, he is of the opinion that the bicameral legislature might be somewhat reformed "by giving one house the sole power of introducing bills and the other the sole power of passing them" (p. 204). It may well be doubted whether such an arrangement "would promote a concentration of attention by each house upon its special function." Finally, the book is designed to serve the college student and the general reader; in order to facilitate further investigation, selected lists of references are appended to most of the chapters. At the end of the volume are reprinted nine valuable articles on state and local government, including, among other things, the National Municipal League's "Model State Constitution."

*American State Government* is written in a clear style and with careful attention to details. Nevertheless, there are a number of minor errors. The executive veto, established in South Carolina by the constitution of 1776, was absolute and not qualified (p. 144); it was abolished in 1778. Under the stimulus of federal grants-in-aid, vocational rehabilitation of disabled workmen has been begun in thirty-six states instead of "in a few states" (p. 385). On pp. 163-4, the following statement occurs: "Most new movements and so-called radical ideas which point the way of progress and endanger the hold of the majority political party emanate from the cities, while the rural districts are inclined to be more conservative." It would be difficult to prove this from American history. What shall be said of the "embattled farmers" in their periodic rôle as political Lochinvars? Aside from a

few inaccuracies of this sort, the book deserves high praise and should be ranked with the standard works of Holcombe and Dodd.

ROGER H. WELLS.

*Bryn Mawr College.*

*An Outline of Municipal Government.* By CHESTER C. MAXEY. (New York: Doubleday, Page & Company. 1924. Pp. xv, 388.)

*Readings in Municipal Government.* By CHESTER C. MAXEY. (New York: Doubleday, Page & Company. 1924. Pp. xiv, 627.)

These two volumes by Prof. Maxey make a valuable addition to the textbooks available for college courses in municipal government. In the Preface to the "*Outline of Municipal Government*" the author indicates the limits of his own work when he says, "It is essentially an outline and it is intended to perform somewhat the same function with reference to the study of municipal government that a blueprint does in architecture." To this specification he has strictly adhered. He has produced a simple, clear, brief and substantially accurate outline covering the whole field of municipal government and administration. This volume contributes nothing that is novel in the interpretation of the phenomena with which it deals nor does it offer any information which is not already widely disseminated among mature students of municipal affairs. It is, as it purports to be, a text and nothing more, withal an excellent text of its type. Prof. Maxey belongs to that class of college teachers who believe that a college text should serve as a mere outline base for the course, the details of which are to be supplied by lectures and by reading in what he calls "primary sources." Naturally one of the chief characteristics of such a text is its brevity. The subject of the structure of city government is dealt with in thirty-five pages. The whole matter of "municipal government" including the chapter on the Civil Service, which perhaps properly might be included in the following division of the work, is dealt with in one hundred twenty-seven pages. "Municipal functions," public safety, public works, utilities, welfare, education and so forth get one hundred seventy-two pages. Municipal finance with seventy-six pages receives a relatively greater degree of attention than in other works on municipal government with which this might be compared.

As might be expected under the circumstances, the author's method results in a skeleton treatment of the subject without that body of substantial material which would entitle it to stand alone as an authority on municipal government and administration. Within its limita-

tions, however, the work is excellently done and it will be found exceedingly useful as a textbook. In general the book contains the material which one would expect to find. The author, however, has introduced a chapter on the administration of justice, the inclusion of which in a work on municipal government will meet with some criticism.

The volume of readings presents in convenient and accessible form a considerable body of material otherwise unavailable for student use. It is mostly made up of surveys and reports relating to particular cities or to particular problems. Singularly enough, it contains no selection from any city charter actually in force or from any state law relative to municipal government. This is not the place to discuss what constitutes "source material" in municipal government, but a glance at the Table of Contents of the *Readings* will raise the question in the mind of every student. The selections, however, have been carefully and intelligently made and the two volumes taken together make a thoroughly workable basis for a good course in municipal government and administration. Prof. Maxey has deliberately tried to be useful rather than profound and he is entitled to very great credit for the accuracy and clearness which characterize his work.

THOMAS H. REED.

*University of Michigan.*

*The Political Parties of To-day.* BY ARTHUR N. HOLCOMBE. (New York: Harper and Brothers. 1924. Pp. viii, 399.)

The "Riddle of the Parties," runs the caption selected by a contemporary historian for a chapter in which he says: "There seems to be a conspiracy, not of silence, but of volubility, to conceal the real meaning of the parties." Professor Holcombe's book brings valuable assistance to those who would solve the riddle, especially with respect to the Democratic and Republican parties in the politics of the United States; it is essentially an examination and explanation of the composition of these two parties.

At the outset the author gravely questions the fairness of the characterization of the present parties as "empty bottles" in comparison with those of Bryce's earlier days, those observed by De Tocqueville, or even those castigated but employed by the Founding Fathers.

Accepting, at least for the purpose of investigation, the realistic view of party, as did Professor Anson D. Morse—that its immediate end is the advancement of the interests of the particular group or groups which it represents—the author believes that the "ambitious

and realistic politician" would find the issues which he might profitably employ in building up a national party limited to those with which the national government is competent to deal, and that among these the problems of commerce, finance and territory would most vitally concern the greater portion of the population. An appeal must be made to the distinctly economic interests of the citizen.

"From the Land Ordinance of 1785 to the Pre-emption Act of 1841, the Homestead Act of 1862, the Reclamation Act of 1902, and the Conservation Movement of recent times, the problem of land settlement, and the problems which grew out of that problem, afforded more valuable material for effecting partisan combinations than any other subject to which the federal power extends." (p. 33.)

The national politician will naturally place first the interests which control the greatest number of states and congressional districts. Mere numbers, scattered uniformly throughout the country, are relatively useless, hence "national politics is inseparable from sectional politics" (p. 40). "The nature of the American federal system requires the organization of national parties upon a sectional basis" (p. 82). The farmers, manufacturers, factory workers, and miners will constitute the most influential groups politically.

In chapter four Professor Holcombe develops the evidences and illustrations of his thesis that national parties are not based upon casual or temporary groupings ranged in support of grab-bag party platforms, but rather upon coalitions of economic interest-groups more or less enduringly combined in arrangements which seem to each group more effectively to promote or preserve its interests than any other apparent or immediately possible alignments. Upon the basis of relative party strength at the elections of 1860, 1876, 1896, 1920, twelve political sections are discovered. No definite relationship is found to exist between the prevalence of one party or the other and the urban or rural character of an area. "Both parties are farmer, labor, business-man parties. But an examination of party strength in the metropolitan, urban, semi-urban, and rural congressional districts of the twelve agricultural regions recognized by the United States Department of Agriculture," lets in the light upon the realities of national politics." The regional economic influences are reflected in the distribution of partisan strength among the political sections into which the country is divided.

The central portion of the book is devoted to a detailed historical analysis of the partisan alignment of sections from the time when

cotton was king to the present. Strikingly there appears the regrouping of sections precipitated when the silver issue was forced upon the country, making the east more or less permanently conservative, as the north had coalesced into opposition to the extension of slavery when the Republican party took the field in 1856 and 1860. One sees that issues do not separate parties, but destroy them. That parties may succeed one another in office without affecting materially the persisting combination of sections is evidenced by the relative stability of the distribution of party strength during the periods 1902-1910 and 1910-1920, as well as by the continued allegiance of sections to their respective parties from 1872 to 1892. Professor Holcombe would deny that "parties, like fishes, are steered by their tails."

The concluding chapters deal with the function of minor parties and the future of the bi-partisan tradition. The relative infrequency and weakness of third parties are attributed to the limited field of national power, the method of electing the president, and the use of primary elections in selecting party candidates for Congress. "The prospects for such a realignment of parties (Conservative against Liberal) are not bright." The national politician desires a relatively durable and at the same time not too inharmonious combination of interests. Of a question other than such as fit in with these desires, perhaps Senator Key Pittman is right: "You've got to take it out of politics or you can't win." The author believes however, that one or another of two new combinations of sectional interests might be formed,—either the graingrowers and the urban industrial wage-earners, or the more strictly agrarian elements, north and south. No party which represents only a single interest can attain great power in national affairs—a fact which constituted in Madison's opinion one advantage of an extensive national domain for the republic.

Professor Holcombe has conducted his study logically, building in effectively the materials of party history. The student of politics will profit by contact with this acute analysis of party composition and will experience difficulty in sustaining an attack upon the author's conclusions. The reviewer is somewhat perturbed over the 117 close congressional districts lying within agricultural regions where one or the other party may show fairly decisive predominance. Why should these particular districts be close?

It is probably true, as former Representative Pell is reported to have said, that every great party must possess a "foundation of fools," but perhaps these could be furnished by the 75 per cent of

the voters who are governed by tradition, according to Professor Merriam, as well as by those who are consciously aware of any regional economic interest. Both Bryce and A. D. Morse have expressed the opinion that sectional groupings may be giving way in the United States to divisions drawn by horizontal lines. The progress in this direction does not seem to have been rapid nor extensive, but the increasing urbanization of the country may be blurring the strictly sectional differences.

RALPH S. BOOTS.

*University of Nebraska.*

*Non-Voting: Causes and Methods of Control.* By C. E. MERRIAM and H. F. GOSNELL. (Chicago: University of Chicago Press. 1924. Pp. 287.)

If scientific methods seem hitherto to have found too little favor with American politicians, political scientists must admit that they themselves are largely to blame. Consider, for instance, the matter of voting at public elections. For years there has been discussion of the problem of nonvoting on the part of duly qualified electors. There has been much controversy over proposed remedies for the alleged evil, such as compulsory voting. But political scientists have been no less backward than politicians in applying the methods of science to the solution of the problem. Too long they have contented themselves with "academic" arguments founded on conjecture and hearsay, while the data upon which alone a valid judgment could be based have remained obscure.

Now come Professor Merriam and Dr. Gosnell with their study of the causes of nonvoting at the Chicago mayoralty election of April 3, 1923. They give us the facts. They asked some six thousand nonvoters at that election to explain why they failed to vote. They chose these nonvoters in such a way as to form as fair a sample as possible of the whole body of nonvoters. They tabulated and analyzed the answers to their questions. They really know what reasons weighed most heavily in the minds of the nonvoters at that particular election. They can draw sound inferences concerning the methods of dealing with nonvoters likely to prove most efficacious at other elections conducted under similar conditions. Their work is a solid specimen of applied political science, for which teachers of government everywhere will feel deeply grateful.

But it is not enough, as Messrs. Merriam and Gosnell themselves



have pointed out, to make a study of the causes of nonvoting at one election in one city. We need to check the results of this investigation by similar studies in other places under different conditions. Probably presidential elections would reward the scientific inquirer more richly than local elections. But on the basis of this first experiment at Chicago it ought to be possible to make a series of investigations by means of which a political scientist could pronounce a final judgment on such expedients as compulsory voting with all the assurance of a chemist proving the quality of a new paint-remover or a biologist testing a germicide.

A. N. HOLCOMBE.

*Harvard University.*

*The Origins of the War of 1870. New Documents from the German Archives.* By ROBERT HOWARD LORD. (Cambridge: Harvard University Press. 1924. Pp. xv, 305.)

One of the principal gaps hitherto existing in the documentary materials for the story of the fateful ten days of July 1870 is filled by this publication of the correspondence which passed through the German Foreign Office during that period. A number of documents from the Austrian and Spanish archives are added, which throw still further light on certain phases of the incident. In a concise and thoroughly adequate introduction of 115 pages, Professor Lord has correlated this new material with all the older evidence, checking every possible detail and reconstructing the German side of the negotiations with a close approach to completeness. Although there is room for differences of opinion on the interpretation of certain documents, this account is as solid in structure as it is readable in form, and escape from its conclusions is difficult.

The verdict on responsibility for the outcome of the incident, which emerges from both narrative and documents, turns heavily against Bismarck. Concerning the phases preceding his avowed decision, reached by July 12, to turn it into an occasion of war, Professor Lord observes: "That since the beginning of the crisis in July he had maintained a perfectly intransigent attitude, which, but for the action of the King and the Hohenzollerns, would have made war inevitable, can scarcely be denied, although his aims during the earlier period . . . are not so clear" (p. 70). A noteworthy point is made of the "summons to explain her intentions" which the Chancellor proposed to address to France after the Hohenzollern candidacy had been with-

drawn and before he had learned of the French demand for guaranties against its renewal. Had France not thus reopened the incident, such a project insured, as Professor Lord puts it, that "there would still have been a war, nevertheless" (p. 99).

As a study in war responsibilities, the interest of this work transcends even the fact that it deals with the origin of the latest European struggle which preceded the war of 1914 and laid the foundations of the international order out of which the recent conflict arose. So successfully did Bismarck conceal his own moves and take advantage of his opponents' blunders that public opinion in his own country and, indeed, in the world at large, confidently exculpated Germany and condemned France. Certainly the French government of the period can never escape a due share of blame for its reckless and arrogant conduct; but Bismarck now occupies the pillory beside Gramont. Students of the origin of the late war should, therefore, find food for thought in the statement: "In the eyes of the German public the *Kriegsschuldfrage* for 1870 was as definitely settled against France as in the minds of the French public today the similar question about 1914 is settled against Germany.

JOSEPH V. FULLER.

*University of Wisconsin.*

#### BRIEFER NOTICES

In the field of state government several reports have been published during the past two or three years, which merit comment. A special commission on state administration and expenditures made to the Massachusetts general court in January, 1922, a report which may well serve as a model of clear and systematic presentation. The commission was created primarily for the purpose of considering the extent to which the state administrative reorganization in Massachusetts complied with the requirements of the constitutional amendment in that state. The report limits itself to a consideration of state governmental problems. Both in its brevity and in its manner of discussion, the report is worthy of study and imitation.

In 1923, a plan of reorganization of state departments, boards and commissions (p. 260) was submitted by the state auditor of North Carolina, to the governor and general assembly. This proposed a plan of sixteen administrative departments and a number of advisory and non executive boards. Thirty-nine boards and commissions would

be abolished, and their functions transferred to one of the proposed departments.

A committee on simplification and economy of state and local government made a report to the general assembly of Virginia in January, 1924. This report (p. 234) deals with problems of both state and local government, although local government receives relatively slight attention. So far as it deals with state government, the report is compact and clear cut. It is based upon an understanding of the specific problems local to the state of Virginia.

The most extensive of recent reports in the field of state government is the report of the efficiency commission of Kentucky on the government of Kentucky, submitted to the governor and general assembly of Kentucky on January 1, 1924. Several sections of this report were first published in a series of pamphlets, and the complete report is included in two large volumes (pp. 672, 707). About half of the first volume deals with finances and taxation, and the remainder of this volume includes sections on administrative organization, general assembly, judiciary and county government. The second volume includes a more detailed discussion of the administrative departments and activities. A good deal of the work in this report is well done, but the different portions of the report are of unequal value. Many of them are based upon what appears to be an inadequate investigation of conditions in the state of Kentucky. Some of them could apparently have been written without specific investigation of the detailed problems of the state to which the report relates. Throughout a number of the specific investigations contained in the two volumes one is struck at times by an attitude, such as is indicated in the following statement, with reference to the commission system of county government in Kentucky (Vol. I, p. 573): "But even without specific investigation into the merits of the commission plan as actually functioning in Kentucky it is safe to assert, in the light of overwhelming experience in the counties and cities of other states, that a small board representing larger units and elected specifically to the governing or fiscal board as such (rather than as an incidental to judicial office) is the preferable type." This is, of course, the easier and simpler way of disposing of governmental problems, but students of government and probably the general assembly of Kentucky would be more aided by the presentation of the results of a specific and detailed investigation in this matter.

A study on administration of the state of Minnesota (p. 71), pre-

pared by the Municipal Reference Bureau of the state university, has been issued under the auspices of the League of Minnesota Municipalities. This gives an account of the existing system of administration, with a number of charts.

An organization chart of the executive branch of the government of the state of Indiana, compiled by Professor Frank B. Bates of Indiana University, has recently been published.

*A History of Political Ideas* by C. R. Morris and Mary Morris (G. P. Putnam's Sons, pp. xii, 190) does not attempt to cover the entire history of political thought. It is interpretive and critical rather than historical in its point of view. A brief chapter on Plato and Aristotle is followed by a discussion of the Roman Empire. Chapter III on the Middle Ages is the best chapter in the book, and represents the results of the revived interest in medieval political theory among English scholars. Chapter IV deals with the Reformation and the absolute sovereignty doctrines of Hobbes. Chapter V is an appreciative study of Rousseau's theory of general will. After Rousseau, only Austin, Green, Hegel and Bosanquet are given consideration. The last chapter, on Modern Theories of the State, is decidedly unsatisfactory.

More than half of the entire volume is devoted to a discussion of Hobbes, Rousseau, Green, and Bosanquet. Locke, who is cited in the index as Richard (?) Locke, is given one scant page. No attention is given to the development of political thought outside of England during the past century, and the work of the pluralists, even in England, is referred to only indirectly. As a study of certain phases in the development of the theory of the nature of the state and of its sovereignty, the volume has some value. Its title is misleading to one who expects a survey of the general field of political theory. Its aim is to "estimate the permanent contribution which certain fundamental ideas have offered toward the advancement of human political wisdom."

*Conservatism, Radicalism, and Scientific Method, an Essay on Social Attitudes*, by A. B. Wolfe (Macmillan, pp. xiv, 354) is an economist's view of social psychology and social ethics rather than a treatise on politics. Professor Wolfe is concerned with conservatism in general rather than with political, economic, religious, or aesthetic conservatism; he does not raise the question whether the true conservative is conservative on all issues. Probably the most interesting parts of

the book are those dealing with the motivation and characteristics of conservatism and radicalism, and with the contrast between the scientific attitude and "popular-mindedness." Professor Wolfe starts on the assumption of a consistent, mechanistic, deterministic view of nature and adheres to behavioristic psychology "as the only psychology which gives promise of consistent scientific quality." He believes that his ethics, revised utilitarianism, are given an objective scientific basis by this new psychology. The author is apparently only half conscious of the breach he makes in his mechanistic-behavioristic structure when he wishes to control further developments by an improved human character, not only guided by science but converted to Christianity.

*These Eventful Years* (Encyclopaedia Britannica Co., 2 volumes, pp. 692, 661) is a compilation of articles on recent history and events by some of the foremost living authorities. After an introduction of about two hundred pages giving a general survey of developments during the last decade, there follow eleven chapters devoted to the World War, its causes, diplomacy, how the war was actually carried on, the most important battles on land and sea, etc. Next come eight chapters dealing with some of the results of the war and covering such subjects as the League of Nations, reparations, taxation, social unrest, wages and so on. After this there are over thirty chapters, each outlining the principal events during the twentieth century in the various countries or sections of the world. For example, there is in this part of the work a chapter on "Ireland's Problems" by Sir Horace Plunkett, "The United States Becomes a World Power" by John H. Latané, "Belgium as I Saw It" by Brand Whitlock, and "Japan Enters the World Arena" by M. Hanihara. The work is brought to a close with about twenty chapters on recent developments and tendencies in education, religion, exploration, science and invention, literature, music and art. The list of contributors is a most imposing one containing the names of leading authorities from all parts of the world, many of whom have played an active part in the events which they relate. To name them all would be tedious but in addition to those mentioned above the contributors include Admiral Jellicoe, Rear-Admiral Sims, General Ludendorff, Colonel Edward M. House, Sir Valentine Chirol, H. G. Wells, Bertrand Russell, Professor J. Arthur Thomson, Madame Curie, James Brown Scott, President Angell of Yale, Professors Thomas N. Carver, Charles H. Haring and Carleton J. H. Hayes. The work is of value, therefore, not only for

its timeliness but also because of the reputation of its authors and the fact that it presents widely differing views on questions that are so close at hand as to require varying interpretations.

*The New Larned History for Ready Reference, Reading and Research* (C. A. Nichols Publishing Co., Springfield, Mass., 12 volumes, pp. 10, 855), the individual volumes of which have been described from time to time in the *Review* during the last two years, is now complete with the appearance of the twelfth volume. The work is of especial value to students and teachers of government because of the emphasis placed upon political events and the attention paid to constitutions and constitutional history. For example, the reader will find here the constitutions of practically all the civilized countries of the world including the new states of Europe, the Irish Free State, etc., together with their history. For each state in the American Union there is a detailed outline of its history and an account of recent developments in government. Almost an entire volume is devoted to the World War and the treaty of peace and there is a long section dealing with the League of Nations. The usefulness of the compilation is increased by numerous cross references, selected bibliographies and an eighty-page list of works from which quotations are taken. This valuable and convenient work should have a place in every reference library and in every complete collection of books on history and political science.

Among the recent publications of the Yale University Press are two books containing some of the lectures delivered at the Institute of Politics at Williamstown in 1923. *Approaches to World Problems* (pp. 126) includes an address by the Earl of Birkenhead on "Problems Left by the Great War;" an address by General Tasker H. Bliss on "World Relations in Their Bearing on International Peace and War;" and discussions by Philip Henry Kerr of "World Problems Today," such as Africa and Asia, peace plans of today and international law and world peace. *The Greatest Experiment in History* (pp. viii, 216) by Sir Edward Grigg is an account of the growth of the British Empire and some of its immediate problems. Among the most interesting of the lectures are those on the Near Eastern question, British imperialism in Egypt, India yesterday and today, American and British imperialism compared. Sir Edward has a most happy method of expressing his ideas and the book is not only stimulating but readable from cover to cover.

The University of Chicago Press has recently published the Harris Foundation lectures for 1924 in three volumes; *The Occident and the Orient*, by Sir Valentine Chirol; *Germany in Transition*, by Professor Herbert Kraus; and *The Stabilization of Europe*, by Charles de Visscher (pp. xi, 190), professor of international law at the University of Ghent. The lectures cover about three-fourths of the last-named book, the remaining pages reproducing the texts of the Treaties of Mutual Assistance and of Disarmament and Security, and the Protocol for the Pacific Settlement of International Disputes.

In these lectures Professor de Visscher devotes himself particularly to the problems of the minorities and of security, with which is closely related the economic readjustment of the countries concerned. He regards the problem of nationalities as a fundamental moral European problem and shows how the plebiscites have reflected this problem. From the economic point of view the problem of European communications is contrasted with the American, and the marked progress in international regulation is explained.

The author emphasizes the need of established military sanctions if Europe is to be secure, even though other sanctions may aid, but self-interest will be an important factor, as military and political policies may not be identical. The only place where European and other political problems may be discussed impartially is Geneva, and the League of Nations is the sole organization functioning in their solution. Professor de Visscher says of the League, "in spite of everything, it is for Europe the only light in the midst of darkness, to guide the efforts of men of good will."

*The Reasonableness of the Law: The Adaptation of Legal Sanctions to the Needs of Society* by Charles W. Bacon and Franklyn S. Morse (G. P. Putnam's Sons, pp. xii, 400) aims to introduce the layman to the essential principles and lines of development in some of the major departments of American jurisprudence. After a brief introductory sketch of the origins of our governmental systems, state and federal, a section is devoted to each of the following fields: Constitutional Law, the American Common Law, Equity, International Law, and Statute Law. The method used throughout is to present in brief compass a statement of the legal principle under discussion and to support it by a rather lengthy quotation from a judicial opinion. Apart from the stylistic disadvantages involved in this method it has necessitated such compression of the text material as to impart a somewhat dogmatic

tone to the whole book, while the excerpts from the decisions are not extensive enough to be of much independent value. The book has its use, however, as a nontechnical presentation of material usually beyond the reach of the layman.

*Lectures on Legal Topics* (Macmillan, pp. 591) is a collection of addresses delivered before the Association of the Bar of the City of New York during the court year 1920-1921. Many of the thirty-seven lectures are of interest only to the practitioner. Those of more general interest are the papers relating to legal education by Professors Austin W. Scott, Charles K. Burdick, and Dean Harlan F. Stone, the address of Mr. Elihu Root on "The Permanent Court of International Justice," and that of Mr. George W. Wickersham on "The Office of the Attorney-General." Other papers relate to the municipal court of New York City, the Workmen's Compensation Act of the State of New York, and the state taxation of corporations engaged in interstate commerce.

Professor Karl Gereis's *Introduction to the Study of Law* has been translated from the German by Albert Kocourek and is published by The Macmillan Company (pp. 375) in the Modern Legal Philosophy Series. It is a systematic survey of law and of the principles of legal study, a book not merely to read but to think through.

*International Law Decisions and Notes* (Naval War College, pp. 212) is a collection of cases relating to maritime warfare decided during the world war, some of which show the wide departure from earlier precedents which the prize courts of some of the belligerent countries made, at least in the latter part of hostilities.

*Prisoners of War* by Herbert C. Fooks (Stowell Printing Co., pp. 456) is one of the few studies made upon an important aspect of modern warfare—in the war of 1870-71, 300,000 prisoners were captured, while in the world war, the Americans alone captured 450,000 Germans. Mr. Fooks examines the meaning of "prisoners of war" and discusses such subjects as the transportation of prisoners; the organization, police and discipline of prison camps; the special disposition of officers, and the question of parole.

*Nationalism and Religion in America: 1774-1789* by Edward Frank Humphrey (Chipman Law Publishing Company, pp. viii, 536) has for



its general thesis that the same spirit of nationalism which brought about the War of Independence and the Constitution of the United States caused also the nationalizing and reorganization of the various colonial churches, and that the same persons and the same ideas were responsible for the similar developments in church and state. The book is in three parts. Most of Part II is simply the constitutional history of the various religious groups. Part III is a series of chapters discussing rather briefly the influence of churches and their members on the constitutional history of America after the declaration of independence. Part I is of greatest interest to the political scientist. It is a study of the political theories of the church organizations and of individual churchmen on the subject of separation from England. It shows that clergy and laity not only felt alike on political questions, but felt alike for like reasons. Though the evidence reveals nothing very new, the author does a service in collecting it, and in presenting it in such a way as to demonstrate a widespread and distinctively nationalistic spirit on the part of the churches.

It becomes increasingly evident that the field of state history has been unduly neglected. The development of constitutional ideas within the states is as interesting as changes in the Federal Constitution and a knowledge of state politics is indispensable for a proper understanding of national politics. Recognizing this, Allan Nevins wrote his recent volume on *The American States During and After the Revolution, 1775-1789*, (Macmillan, pp. 728). Now for the first time we have a satisfactory conspectus of state history, as distinguished from national history, during the formative period. To weave thirteen strands into a single fabric without confusion is, as the author confesses, "a difficult task." He has accomplished it and thereby produced a book which is of especial value to students of government.

*Anglo-American Relations During the Spanish-American War* by Bertha Ann Reuter (Macmillan, pp. 208) is a piece of work that has long awaited the searchlight of the historical investigator. That Great Britain was friendly to the United States at the time of the Spanish-American War is well known, but the causes of that friendship, its extent, its drift, and expression have never been thoroughly analyzed. The materials in the form of newspapers, periodicals, speeches, and many volumes of biography, autobiography, and letters have been accessible but no one before Dr. Reuter has ever attempted a system-

atic investigation of them. She has studied with profit not only the press sentiment of the United States and Great Britain but that of the British dominions as well. Her treatment of the interplay between public opinion and governmental policy is especially good. Noteworthy also is the careful handling of the effect of Spanish-American troubles upon Anglo-American relations in the Far East and upon Anglo-American rapprochement between 1898 and 1900.

*The State of the Nation* by ex-Senator Albert J. Beveridge (Bobbs-Merrill, pp. 267) contains six essays dealing with current political problems, five of which appeared originally in *The Saturday Evening Post*. While frankly popular in character the volume is of genuine value and interest as embodying Mr. Beveridge's mature views on present-day political issues. The first paper voices approval of the policy of nonparticipation in the League of Nations and the World Court. In two essays devoted to the Supreme Court and its work it is suggested that the court itself should adopt a rule requiring the concurrence of six justices in order to invalidate an act of Congress. A chapter on the railroad problem discusses the Transportation Act of 1920, urges the voluntary federal incorporation of interstate railroads, criticizes the Labor Board, and attacks government ownership. The paper on "Republic or Bureaucracy" sounds a warning against the extension of federal administrative functions, particularly the "bureaucratic drill-mastering of American business." There is a chapter dealing with the election and powers of the President.

Under the editorship of Thomas H. Calvert there has been issued by the Edward Thompson Company (Northport, N. Y.) a series of three volumes entitled *The Constitution and the Courts* (pp. 1169, 1114, 478). The contents include a reprint of the well-known treatise on "The Growth of the Constitution in the Federal Convention of 1787" by William N. Meigs. Immediately following is a monograph on "Constitutional Constitution and Interpretation" by the editor. It is based upon a review of judicial decisions. The arrangement conforms to the constitution, clause by clause, with copious annotations. The editor believes that the collection of cited cases is practically complete. He has in any case incorporated a great mass of the most useful material, quite the most extensive compilation of its kind. The work has apparently been done with much assiduity and care. The commentaries and annotations on the constitution occupy the first

two volumes, while the third volume contains the supplemental notes and the index. Teachers of the constitution will find this series of great value.

*Constitutional Doctrines of Justice Oliver Wendell Holmes* by Dorsey Richardson (Johns Hopkins Press, pp. ix, 103), is a sympathetic study of the views which most students of constitutional law now associate with Mr. Justice Holmes. Had it been published in 1920, when it was prepared, it would have been more novel, but might have gained fewer readers. Since 1920 the great jurist's eightieth birthday has been marked by the publication of his *Collected Legal Papers*, and the attention of the public has been directed repeatedly both to the beauty and vigor of his diction and to the breadth and freshness of his thought. "The life of the law . . . has been experience. . . . But the present has a right to govern itself so far as it can. . . ." How he has applied such a legal philosophy to constitutional questions during nearly forty years of service on the bench this monograph explains.

The Stafford Little lectures recently given by Charles Warren at Princeton have been published under the title *The Supreme Court and Sovereign States* by the Princeton University Press. The lectures have been enriched by the addition of notes and appendices.

*The Evolution of a Politician* by R. D. Bowden (The Stratford Company, pp. 248) strikes hard but not always well-measured blows at present political life and the conduct of government in the United States. Some of the author's criticisms are well founded but few persons of judicious mind would agree that government and politics have been as thoroughly controlled and corrupted as he pictures by so-called "big-business," "monopoly corporations," "predatory wealth" etc., which is the central theme of the book. The author's program for reform is a far-sweeping and ambitious one and includes the following: (1) changes in political procedure such as the adoption of the short ballot, nonpartisan primaries, proportional representation; (2) congressional and administrative reforms including a seven-year term for the President, a responsible cabinet, a reorganization of the committee system in Congress; (3) political education.

The A. L. Burt Company has published *A Dictionary of American Politics* compiled by E. C. Smith (pp. 496). It includes brief accounts

of parties, measures, and men, explanations of political phrases, notable sayings, slogans, nicknames, and kindred things. While not exhaustive in the ordinary sense, the volume includes most of the odds and ends that any ordinary man would have occasion to go searching for. It is a useful addition to the existing stock of handbooks for ready reference.

A third edition of Professor P. Orman Ray's *Introduction to Political Parties and Practical Politics* has been published by Scribner's (pp. 691). Although the plan of the two earlier editions has been generally followed, virtually the entire book has been rewritten and much new material has been added. The references have been brought together into a single bibliography which is a model of its kind. A highly useful book has been notably improved, both in substance and in style, by this revision.

*American Democracy Today* by William Starr Myers (Princeton University Press, pp. 162) is a book of ten chapters on various aspects of contemporary American government—with such matters, for example, as presidential leadership, the position of the Senate, and democracy in war-time. The discussions in this volume would make good supplementary reading if used in connection with any one of the regular college textbooks.

William Allen White's *Woodrow Wilson* (Houghton, Mifflin & Co., pp. 527) is exactly what might be expected from its author—a brilliant survey, replete with trenchant passages, critical but sympathetic, with a never-failing emphasis on the dramatic and the picturesque. The book bears as its subtitle "The Man, his Times, and his Task," but not much is said about his times although there are occasional digressions into those fields of politics which happen to command the author's own interest. Mr. White has found biological explanations for the more outstanding Wilsonian traits, at least he believes that he has, and he works this thesis pretty hard. The heredity complex rather mars the book.

Among the several biographies that came from the press in time to do service during the presidential campaign, *The Preparation of Calvin Coolidge* by Robert A. Woods (Houghton, Mifflin & Co., pp. 288) is easily the best book in substance and in style. The author

begins with the assertion that the present incumbent of the White House underwent a more consistent and complete preparation for his high office than did any previous chief executive. Then he proceeds to trace this preparation, stage by stage, and through its long and varied course from Northampton to Washington by way of Boston. It is not mere adulation but a discriminating review, written with restraint and distinction.

To its series of books containing the writings and addresses of the Hon. Elihu Root, the Harvard University Press has recently added an eighth volume entitled *Men and Policies* (pp. 509). In addition to Mr. Root's addresses on various notable Americans (including Hamilton, Lincoln, Roosevelt, Cleveland and Choate) the present volume contains many of his war speeches, likewise his well-known Carnegie Hall address on the Constitution of the United States. A book with a very similar title is Senator George Wharton Pepper's *Men and Issues* (Duffield, pp. 308). It contains a series of stimulating and readable addresses on a variety of subjects ranging from the Permanent Court of International Justice to Practical Politics for the College Man.

Under the title *Our American Kings* (Century Company, pp. 257) Frederick L. Collins has included concise and illuminating pen-portraits of fourteen contemporary governors. The author has endeavored to tell who these men are, rather than to explain what they are doing. The book deals with interesting personalities, of course, and is decidedly readable.

The late Maurice F. Egan—journalist, diplomat, scholar, poet, critic, and happy warrior in divers other fields as well—left an autobiography which has now been published by Messrs. George H. Doran Company. It bears the appropriate title *Recollections of a Happy Life* (pp. 374). Wise, witty, and whimsical, it deals with life on two continents, and with the wide range of happenings that came within the author's ken. The reader will find in the book many interesting sidelights on the political history of the past fifty years.

The anonymous "Gentleman with a Duster" has given us another series of English political portraits, this time entitling his volume *The Windows of Westminster* (Putnam's, pp. 193). His incisive pen touches

up some of the more prominent members of the Unionist party, including Mr. Stanley Baldwin, Sir Robert Horne, Neville Chamberlain and a half dozen others. Those who recall the author's earlier *Mirrors of Downing Street* need not be assured that these pen-portraits are most skilfully drawn by one who (whoever he may be) is thoroughly versed in English politics and social life.

The volume of *Essays and Adventures of a Labor M. P.* by Josiah C. Wedgwood (Huebsch, pp. 263) contains twenty-two chapters which cover a wide range and are mostly of a reminiscent character. The author served in the Boer War, the Gallipoli campaign, and as a member of the Labor cabinet. On all these battle fronts he accumulated experiences which he now recounts to his readers in a more or less national vein.

In *The English Constitution in Transition, 1910-1924*, Sir John A. Marriott, M. P., has written a supplement to his well-known volume, *English Political Institutions*. This is an authoritative and judicious summary of the principal constitutional and political changes in the government of Great Britain and of the British Empire in the last fifteen years.

Professor L. M. Larson's *History of England and the British Commonwealth* (Holt, pp. 911) is the latest addition to useful textbooks in its field. The author has endeavored to feature those aspects of English history which have the greatest interest and significance for the American student.

A new edition of Clive Bigham's *Prime Ministers of Britain* has been issued by Messrs. E. P. Dutton & Co., bringing the survey down to 1924.

An English translation of Joseph Barthelémy's *Gouvernement de la France*, by J. Bayard Morris has been published by Brentano (pp. 222). The book will prove useful to American students not only as a general description of the French political system but by reason of the excellent chapters on such topics as foreign policy and public finance. Strange to say, Professor Barthelémy has given no attention to the French party system.

Denis Gwynn's *Catholic Reaction in France* (Macmillan, pp. 186) deals with the more important political phases of the Catholic movement in France during the past twenty years and especially since the war. The book is written from the standpoint of a sympathetic foreign observer.

*The Collapse of Central Europe*, by Karl F. Nowak (Dutton Company, pp. viii, 365) contains, as the result of extensive research, much important material about the political complications that arose in Germany, Bulgaria and especially Austria during the World War. It also traces the Haldane-Grey-von Kuhlmann plan for peaceful and joint economic expansion of England and Germany, intelligently explains the situation at Brest-Litovsk, and considers at length the Wilsonian influence upon the policies of Mittel-Europa. The book is over-organized, with resultant confusion, and, although fairly well documented, it has neither references nor bibliography.

*The Present State of Germany* by J. H. Morgan (Small, Maynard & Co., pp. 107) is a fair analysis of conditions in the Reich by an English military officer who has served on the Inter-Allied Commission of Control.

*The Awakening of Italy*, by Luigi Villari (Doran, pp. 292) is the story of Italian politics since the beginning of the war, written from a strongly Fascist point of view. This is the clearest and most forceful presentation of the case for Fascism that has thus far appeared in English.

We have seen no more vivid account of Russian conditions during the years 1917-1920 than that contained in Pitirini Sorokin's *Leaves from a Russian Diary* (Dutton, pp. 310). The author, who is now a professor in the University of Minnesota, gives a recital of his personal experiences and his narrative is more enlightening with respect to political and economic conditions than any essay on that subject could be.

*The Evolution of French Canada* by J. C. Bracq (Macmillan, pp. 467) deals not only with the history but with the achievements of the French-Canadian race, especially during the past hundred years. The author quotes from a great variety of sources, authoritative and otherwise, to

show how substantial these achievements have been. A Californian, writing of his native heath, could be no more partial to superlatives. On the whole, however, the book is well put together and its readability atones, in large part at least, for whatever it may lack in scientific discrimination.

*The Political Novel* by Morris E. Speare (Oxford University Press, pp. 377) is of equal interest to students of political science and of English literature. There is a good chapter, for example, on Disraeli's political philosophy as it appears in *Coningsby*, *Lothair*, and *Endymion*. There are equally interesting discussions of "George Eliot and Radicalism," and of the American political novel, more especially the writings of Winston Churchill and Paul Leicester Ford.

A comprehensive report of 600 pages, on *Public Employment Offices—their purpose, structure and methods*, has recently been issued by the Russell Sage Foundation. This is based on a five-year study, including more than seventy cities in the United States and Canada. The report recommends the establishment of a nation-wide system of public employment offices, in which the national, state, and local governments will coöperate, to be administered under a board composed of the secretaries of agriculture, commerce, and labor, with the assistance of a national advisory council, and local committees representing employers and employees.

Professor Harley Leist Lutz has written an excellent book entitled *Public Finance* (Appleton & Company, pp. xvi, 681). The object the author set himself was "to translate into concrete terms the principles which underlie the levy of taxes, the expenditure of public money and the use of public credit." He has given us a well-balanced volume of broad scope in which the complex data of the subject are handled with skill and judgment. In so far as it is possible to give adequate consideration to some three hundred topics in the scope of less than 700 pages, Professor Lutz shows a masterful hand. As an introduction to the subject, and particularly for the general reader, this new volume will be most useful.

A valuable study is the report on *The Government of Cincinnati and Hamilton County* (p. 531), based on a survey of the city and county governments and the business activities of the board of education,



made under the direction of Lent D. Upson for a survey committee of the republican executive and advisory committee of Hamilton County. This makes a number of recommendations for increasing revenue, decreasing expenses and increased efficiency; and proposes charter amendments for a small nonpartisan council and state legislation on taxes, budget and city-county consolidation.

The League of Minnesota Municipalities and Municipal Reference Bureau of the University of Minnesota have begun the issue of a series of pamphlet publications. These include the following titles: Municipal Budget; Municipal Home Rule in Minnesota; Administration of the State of Minnesota; Licensing Transient Merchants and Peddlers; and Statutory Limitations on Property Taxation.

The Oklahoma Bureau of Municipal Research in the state university has published a 200 page pamphlet on *Some Problems in Oklahoma Finance*, by Frederick F. Blachly and Mirriam E. Oatman.

A Study of the *Tax Problem in Wisconsin* has been published by the National Industrial Conference Board. This includes a comparison of state and local tax burdens, an examination of income and inheritance taxes, and the taxation of forest lands.

Although *Money*, by William Trufant Foster and Waddill Catchings (Houghton Mifflin Co., pp. viii, 409), is published for the Pollak Foundation for Economic Research, it is not a work of research, but an interesting and readable treatment of current business problems connected with the price level, bank credit, and the business cycle. The general reader will probably be more interested in the authors' treatment of a political problem of historical and current importance, the gold standard. Another book which brings out sharply the close relationship between modern economic and political problems is *Stabilization: An Economic Policy for Producers and Consumers*, by E. M. H. Lloyd (Knopf, pp. 141). The author pleads for stabilization of the general price level and of leading raw materials by government regulation and international agreement.

*Outlines of Economic History in the Nineteenth Century* (Ronald Press, pp. vi, 286) by Garrett Droppers, is a study based upon lectures given at Williams College. The emphasis in the narrative is

placed upon commerce and finance. Little space is given to industrial development. The views presented are those common to the older literature; perhaps from necessity, for it would certainly require more space to indulge in the refinement of statement that would be demanded by inclusion of the results of recent critical work. References to recent works, however, might have been included in the notes and references.

A noteworthy addition to available text-books is H. U. Faulkner's *American Economic History* (Harper's, pp. 721). It is well-balanced, temperate in tone, and workmanlike in execution, besides being written in a style that he who runs may read. Too much praise can hardly be given to the bibliographical apparatus which the author has provided at the end of each chapter.

Longmans, Green and Company have recently published a volume on *Internal Improvements and State Debt in Ohio*, by E. L. Bogart, of the University of Illinois.

J. B. Morman's *Farm Credits in the United States and Canada* (Macmillan, pp. 406) gives a comprehensive account of the farm loan and credit movement during the past ten years. It explains the question in all its phases, both economic and political.

Messrs. Benjamin H. Sanborn & Company are the publishers of a text-book on *Elementary Sociology* by Ross L. Finney (pp. 234), intended for use in high schools and junior colleges. It is called a "constructive" text-book, with the explanation that it is not primarily a discussion of "social problems." The author complains that the teaching of sociology has too heavily stressed the problems of poverty, crime, divorce and other social disorders. This emphasis has had a morbid effect on young minds, making them imagine that they ought to become agitators, reformers or social workers, and filling their heads "with queer, half-baked ideas." Professor Finney, therefore, sets himself to explain the normal rather than the abnormal functioning of social life. The book is well-arranged and clearly written. The questions at the end of each chapter are especially good.

*Outlines of Introductory Sociology*, by C. M. Chase (Harcourt, Brace & Co., pp. 980) is a book of selected readings which covers a wider

range than most publications of its type. In addition to the usual topics, for example, there are chapters on public health, capital and labor, and immigration. At the close of each chapter there are useful references.

A pamphlet report on *Forsyth County, Economic and Social*, by Charles N. Siewers, prepared under the department of rural social economics of the University of North Carolina, has been published by the University.

E. P. Dutton and Company have issued a volume on *Women and Leisure, a Study of Social Waste*, by Lorine Pruette, with an introduction by Harry Elmer Barnes.

## RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

*University of Illinois*

### AMERICAN GOVERNMENT AND PUBLIC LAW

#### *Books*

*Abbott, Lawrence F.*, ed. The letters of Archie Butt. Pp. 395. Doubleday, Page.

*Almack, John C.* Education for citizenship. Pp. 287. Houghton Mifflin.

*Andrews, Charles M.* The colonial background of the American revolution. Yale Univ. Press.

*Babson, Roger W.* Recent labor progress; with special reference to the work of the federal government as outlined in the annual reports of the department of labor. Pp. 336. Revell.

*Baker, Ray Stannard, and Dodd, William E.*, eds. The educational, literary and public papers of Woodrow Wilson. Vols. I-II: 1875-1913. Doubleday, Page.

*Barrows, David P.* History of the Philippines. (Rev. ed.) World Book Co.

*Beard, Mary.* A short history of the labor movement. Doran.

*Beman, Lamar T.*, comp. Prohibition: modification of the Volstead law. H. W. Wilson Co.

*Bogart, E. L.* Internal improvements and state debt in Ohio. Pp. 253. Longmans.

*Brown, John Calvin.* Politics and welfare; a business study of applied American politics. Pp. 309. Brentano's.

*Bryan, George.* The imperialism of John Marshall. A study in expediency. Boston: Stratford Co.

*Burdick, Charles K.* Cases on the law of public service, including the law peculiar to common carriers and innkeepers. (New ed.) Pp. xxii + 738. Little, Brown & Co.

*Coll y Cuchí, José.* El nacionalismo en Puerto Rico. Pp. iv + 306. San Juan: Gil de Lamdrird Hermanos. 1923.

*Collins, Frederick L.* Our American kings. Century Co.

*Corwin, Edward S.* The constitution and what it means today. (New and revised ed.) Princeton Univ. Press.

*Crandall, Esther*, comp. Calendar of Minnesota government 1925. Pp. 62. Univ. of Minn.

*Downey, E. H.* Workmen's compensation. Pp. xxv + 223. Macmillan.

*Fitzpatrick, John C.* The spirit of the revolution. Houghton Mifflin.

*Gettell, Raymond G.* The constitution of the United States; a study of the fundamental ideals, principles, and institutions of the American government. Pp. 213. Ginn.

*Gompers, Samuel.* Seventy years of life and labor. 2 vols. Dutton.

*Hibbard, Benjamin Horace.* A history of the public land policies. Macmillan.

*Hicks, John D.* The constitutions of the northwest states. (Univ. of Neb. Studies, vol. XXIII, nos. 1 and 2.)

*Humphrey, Frank.* Nationalism and religion in America, 1774-1789. Pp. viii + 536. Boston: Chipman Law Pub. Co.

*Kimball, Everett.* The United States government. Pp. 791. Ginn.

*League of Minnesota Municipalities.* Administration of the state of Minnesota. Pp. 71. Minneapolis.

*Leigh, Randolph.* The citadel of freedom. Putnam's.

*Lingley, Charles Ramsdell.* Since the civil war. Pp. 635. Century Co.

*McGrane, Reginald Charles.* The panic of 1837. Univ. of Chicago Press.

*McIlwaine, H. R., ed.* Minutes of the council and general court of colonial Virginia. Pp. xiii + 593. Va. State Library.

*Meares, Iredell.* The trading with the enemy act. Washington: John Byrne.

*Mills, L.* Oklahoma Indian land laws. Pp. lx + 1254. St. Louis: Thomas Law Book Co.

*Mitchell, Edward P.* Memoirs of an editor: fifty years of American journalism. Scribner's.

*Munro, William B.* Personality in politics. Macmillan.

*Muzzey, David S.* The United States of America. Vol. II. From the civil war. Pp. 874. Ginn.

*National Industrial Conference Board.* The tax problem in Wisconsin. Pp. 163. N. Y.: Nat. Ind. Conf. Board.

*Nevins, Allan.* The American states during and after the revolution, 1775-1789. Macmillan.

*Nourse, Edwin G.* American agriculture and the European market. (Institute of Economics Series.) Pp. 333. N. Y.: McGraw-Hill.

*Ousley, Clarence.* Background of American government. Pp. 201. Dallas: Southern Pub. Co.

*Page, Rosewell.* Government in Virginia. Pp. 189. Richmond: Williams Printing Co.

*Page, Thomas Walker.* Making the tariff in the United States. (Institute of Economics Series.) Pp. 281. N. Y.: McGraw-Hill.

*Pasquet, D.* Histoire politique et sociale du peuple américain. Tome I. Des origines à 1825. Pp. x + 410. Paris: Picard.

*Paxson, Frederic L.* History of the American frontier, 1763-1893. Pp. 598. Houghton Mifflin.

*Pease, Theodore Calvin.* The story of Illinois. Chicago: McClurg.

*Porter, Kirk H., comp.* National party platforms. Pp. xvi + 522. Macmillan.

*Ray, P. Orman.* An introduction to political parties and practical politics. (Third ed.) Pp. xii + 691. Scribner's.

*Reed, R. R., and Washburn, L. H.* • Blue sky laws; the text of the "blue sky laws" of the states of the United States, as changed and amended, together with analyses. N. Y.: Clark Boardman Co.

*Rexford, Frank A., and Carson, C. L.* The constitution of our country. Pp. 206. Am. Book Co.

*Rice, Stuart A.* Farmers and workers in American politics. (Columbia Univ. Studies.) Longmans.

*Richardson, Dorsey.* The constitutional doctrines of Justice Oliver Wendell Holmes. Johns Hopkins Press.

*Rool, Elihu.* Men and policies. Harvard Univ. Press.

*Russell, R. R.* Economic aspects of southern sectionalism, 1840-1861. (Univ. of Ill. Studies in the Social Sciences.) Pp. 325.

*Ryan, Franklin W.* Usury and usury laws. Pp. 270. Houghton Mifflin.

*Sawyer, Roland D.* Cal Coolidge, president. Boston: Four Seas Co.

*Schönemann, Friedrich.* Die Kunst der Massenbeeinflussung in den Vereinigten Staaten von Amerika. Stuttgart: Deutsche Verlags-Anstalt.

*Shaw, Albert, ed.* The messages and papers of Woodrow Wilson. 2 vols. Pp. 1290. Rev. of Revs. Corp.

*Shippee, Lester B.* Recent American history. Pp. 580. Macmillan.

*Smith, F. Dumont.* The constitution: its story and its battles. Pasadena: Calif. Pub. Co.

*Thompson, Robert J., ed. and comp.* "Adequate Brevity": Collation and coordination of the mental processes and reactions of Calvin Coolidge. Pp. 122. Chicago: M. A. Donohue & Co.

*Trotter, N.* History of the Union Pacific: a financial and economic survey. Pp. iv + 412. N. Y.: Ronald Press.

*Veck, Victor G.* Alcohol and prohibition. Pp. 165. Philadelphia: Lippincott.

*Wallace, Schuyler C.* Our governmental machine. Pp. 224. Knopf.

*Warren, Charles.* The supreme court and sovereign states. Princeton Univ. Press.

*Williams, Daniel R.* The United States and the Philippines. Pp. 335. Doubleday, Page.

*Williams, Samuel Cole.* History of the lost state of Franklin. Johnson City (Tenn.): Watauga Press.

*Woodburn, James A.* Political parties and party problems in the United States. (Third ed., rev. and enl.) Pp. xiv + 542. Putnam's.

*Woods, Robert A.* The preparation of Calvin Coolidge: an interpretation. Pp. 288. Houghton Mifflin.

*Zollman, Carl.* American law of charities. Pp. lxviii + 623. Milwaukee: Bruce Pub. Co.

#### Articles

*Adams and Jefferson.* Reconciliation: correspondence of John Adams and Thomas Jefferson. Edited by *Paul Wiltach*. Atlan. M. Dec., 1924.

*Advisory Opinions.* Advisory opinions on constitutional questions. *Editor.* Const. Rev. Oct., 1924.

*Agricultural Policy.* Federal reserve bank "deflation" of the farmers as a bi-

partisan myth. The weakest point in the farmer's financial policy. *Benjamin M. Anderson, Jr.* *Econ. World.* Oct. 11, Nov. 8, 1924.

———. A farmer speaks out. *Glenn W. Birkett.* *Atlan. M.* Dec., 1924.

———. The problem of agriculture. *Rexford Guy Tugwell.* Coöperative marketing finance. *John M. Chapman.* *Pol. Sci. Quar.* Dec., 1924.

**Alien Rights.** Recent decisions of the United States supreme court affecting the rights of aliens. *James W. Garner.* *Jour. Comp. Legis. and Int. Law.* Nov.

**Aviation.** The United States air policy. *Edward P. Warner.* *Current Hist.* Nov., 1924.

**Blue Sky Laws.** Regulation of building and loan associations. *H. F. Clark.* *Jour. Pol. Econ.* Dec., 1924.

**Cabinet.** The sequence of appointments to Polk's original cabinet. *H. B. Learned.* *Am. Hist. Rev.* Oct., 1924.

———. The next step in Washington. I. Responsible leadership in the government. *Chester H. Rowell.* *World's Work.* Dec., 1924.

**Child Labor.** Child labor as a national problem. *Ernest J. Eberling.* *Scribner's.* Oct., 1924.

———. The labor amendment submitted for ratification. *Everett P. Wheeler.* *Am. Bar Assoc. Jour.* Oct., 1924.

———. The proposed twentieth amendment. *Thomas F. Cadwalader.* *Const. Rev.* Oct., 1924.

———. The proposed child labor amendment; its implications and consequences. *Bently W. Warren.* *Va. Law Rev.* Nov., 1924.

———. The child labor amendment: two views. *Grace Abbott and Duncan U. Fletcher.* *N. Am. Rev.* Dec., 1924.

**Citizenship.** Citizenship of married women. *Cyril D. Hill.* *Am. Jour. Int. Law.* Oct., 1924.

———. The privileges, duties and obligations of citizenship. *Thomas R. Marshall.* *Boston Univ. Law Rev.* Nov., 1924.

———. Diversity of citizenship: residence as defined under the constitution and federal statutes. *A. J. Monahan.* *Cornell Law Quar.* Dec., 1924.

**Congress.** What's the matter with congress? *Richard S. Childs.* *Nat. Mun. Rev.* Nov., 1924.

———. Congressional legislation. *J. H. W.* *Ill. Law Rev.* Dec., 1924.

———. Congressional letters. *Hilton Butler.* *Am. Mercury.* Dec., 1924.

**Connecticut.** Rotten boroughs and the Connecticut legislature. *Lane W. Lancaster.* *Nat. Mun. Rev.* Dec., 1924.

**Contempt of Court.** Power of congress over procedure in criminal contempts in "inferior" federal courts—a study in separation of powers. *Felix Frankfurter* and *James M. Landis.* *Am. Law Rev.* Sept.-Oct., Nov.-Dec., 1924.

———. Criminal syndicalism punishable as contempt of court. *H. W. B.* *Calif. Law Rev.* Nov., 1924.

———. Injunctions and contempt of court. *Editor.* *New Repub.* Nov. 19.

**Dartmouth College Case.** The dead hand. I. II. *Charles P. Megan.* *Am. Bar Assoc. Jour.* Sept., Oct., 1924.

**Delegation of Power.** Delegation of legislative power. *Ernest P. Fell.* *Cornell Law Quar.* Dec., 1924.

**Dred Scott Case.** Some antecedents of the Dred Scott case. *Helen T. Catterall*. *Am. Hist. Rev.* Oct., 1924.

**Election.** Election results in the northwest. *Murray E. King*. *New Repub.* Nov. 26, 1924.

**Farm Loan System.** The politicians betray the farmer. *Gertrude Mathews Shelby*. *Nation*. Dec. 3, 1924.

**Federal Relations.** Federal and state powers: state regulation of national banks. *R. D. S., Jr.* *Calif. Law Rev.* Nov., 1924.

**Federal Trade Commission.** A decade of the federal trade commission. I. II. *Felix H. Levy*. *Va. Law Rev.* Nov., Dec., 1924.

———. The "Pittsburgh plus" case. *John Leland Mechem*. *Am. Bar Assoc. Jour.* Nov., 1924.

———. Retailers' coöperative buying associations and the federal trade commission. *Note Editor*. *Harvard Law Rev.* Nov., 1924.

———. The friendless federal trade commission. *Arthur Richmond Marsh*. *Econ. World*. Nov. 15, 1924.

**Foreign Service.** Reorganization and improvement of the foreign service. *James W. Garner*. Foreign service reorganization act. *John Jacob Rogers*. *Am. Jour. Int. Law*. Oct., 1924.

———. Foreign service reorganization. *Tracy Lay*. *Am. Pol. Sci. Rev.* Nov., 1924.

**Free Speech.** Freedom of speech during and since the civil war. *R. H. Eliel*. *Am. Pol. Sci. Rev.* Nov., 1924.

———. What is free speech under the constitution? A debate between *Sveinbjorn Johnson* and *The American Civil Liberties Union*. *Ill. Law Rev.* Nov., 1924.

———. Is the chatauqua a free platform? *Carl D. Thompson*. *New Repub.* Dec. 17, 1924.

**Government Liability.** Government liability in tort. *Edwin M. Borchard*. I. II. *Yale Law Jour.* Nov., Dec., 1924.

**Governor.** Mandamus to the governor in Minnesota. *Harold F. Kumm*. *Minn. Law Rev.* Dec., 1924.

**Hawaii.** A political campaign in Honolulu. *May Stranathan*. *Rev. of Revs.* Nov., 1924.

**Herrin.** Why men murder in Herrin. *William L. Chenery*. *Century*. Dec., 1924.

**Immigration.** The quota provisions of the immigration act of 1924. *A. Warner Parker*. *Am. Jour. Int. Law*. Oct., 1924.

———. Breaking into the United States. *James C. Young*. *World's Work*. Nov., 1924.

**Injunction.** Nebulous injunctions. *E. N. D.* Injunction against execution of criminal judgment. *L. W. F.* *Mich. Law Rev.* Nov., 1924.

**Item Veto.** The item veto and state budget reform. *R. H. Wells*. *Am. Pol. Sci. Rev.* Nov., 1924.

**Judicial Review.** The doctrine of political questions in the federal courts. *Oliver P. Field*. *Am. Law Rev.* Sept.-Oct., 1924.

———. Judicial power a defense against tyranny and anarchy. *Charles S. Thomas*. The supreme court's duty to defend the constitution. *George Stuart Brown*. *Const. Rev.* Oct., 1924.



**Judicial Review.** The supreme court and the constitution. *Alan H. Monroe*. Am. Pol. Sci. Rev. Nov., 1924.

———. Judicial determination of questions of fact affecting the constitutional validity of legislative action. *Henry Wolf Bicklé*. Judicial interference with political parties. *Note Editor*. Harvard Law Rev. Nov., 1924.

———. Marshall and the supremacy of the unwritten law. *J. Whilla Stinson*. Am. Law Rev. Nov.-Dec., 1924.

———. Judicial review versus doctrinaire democracy. *Robert L. Hale*. Am. Bar Assoc. Jour. Dec., 1924.

**Judiciary.** Unification of the judiciary; a record of progress. *C. S. Potts*. Jour. Am. Judicature Soc. Oct., 1924.

**Ku Klux Klan.** An American fascism. *Arthur Corning White*. Forum. Nov., 1924.

———. Christianity and racialism. *Glenn Frank*. Century. Dec., 1924.

**Legislative Investigation.** The power of the senate to compel attendance of witnesses. *G. S. S.* Pa. Law Rev. Nov., 1924.

**Monopoly.** The chimera of monopoly. *Ambrose Paré Winston*. Atlan. M. Nov., 1924.

———. Coöperative marketing associations as combinations in restraint of trade. *Note Editor*. Harvard Law Rev. Nov., 1924.

**Negro Problem.** The negro migrations—a debate. I. Northward to extinction. *Blanton Fortson*. II. Migrating to fuller life. *William Pickens*. Forum. Nov., 1924.

**Newspapers.** The truth about the newspapers. II. Honesty in printing the news. III. Press agents and propaganda. IV. Dragoons of the press. *Carl C. Dickey*. World's Work. Oct., Nov., Dec., 1924.

**Philippines.** L'administration américaine aux Philippines. *Graham H. Stuart*. Rev. Sci. Pol. Apr.-June, 1924.

**Police Power.** The Nebraska bread weight case. *George W. Goble*. Ill. Law Rev. Dec., 1924.

**Political Leaders.** Henry Cabot Lodge—a scholar in politics. *Oswald Garrison Villard*. Nation. Nov. 19, 1924.

———. The Christian statesman. *Edgar Lee Masters*. Am. Mercury. Dec., 1924.

———. General George Washington. *Philip Guedalla*. Harper's. Dec.

**Politics.** Political activities in western Pennsylvania, 1800-1816. *Elizabeth McWilliams*. West. Pa. Hist. Mag. Oct., 1924.

———. The politics of wheat. *Henry Adams Bellows*. Forum. Oct., 1924.

———. Labor's attitude toward a third party. *William English Walling*. Current Hist. Oct., 1924.

———. Politics—a two-handed game. The presidents we deserve. *Elmer Davis*. Harper's. Oct., Nov., 1924.

———. Kids and campaigns. *Walter Lincoln Whittlesey*. Scribner's. Nov.

———. A school of politics a need of American life. *Ernest De Witt Burton*. Am. Bar Assoc. Jour. Dec., 1924.

———. Short shifts in public life. *Mark Sullivan*. World's Work. Dec.

**Preparedness.** The new preparedness. *Samuel Taylor Moore*. Atlan. M. Oct., 1924.

**President.** How the president of the United States is elected today. I. The nomination. II. The election. *Cong. Digest.* July-Aug., 1924.

———. When congress elects the president. *William MacDonald.* *Current Hist.* Oct., 1924.

———. The house of representatives shall choose. *Max Farrand.* *New Repub.* Nov. 5, 1924.

———. The reaction of the public mind to President Coolidge's annual message to congress. *Arthur Richmond Marsh.* *Econ. World.* Dec. 6, 1924.

**Presidential Campaign.** Teaching the presidential campaign in senior high school. *B. F. Field.* Teaching the presidential campaign in junior high school. I. A study of party platforms. *Anna M. Buck.* II. How shall we treat the campaign? *Margaret R. Hegarty.* *Hist. Outlook.* Oct., 1924.

———. The background of the American presidential campaign. *Round Table.* Sept., 1924.

———. The real issue in the campaign. *Ernest Gruening.* *Century.* Oct.

———. John Davis, democrat. II. His distinguished public services. *A Member of the "World's Work" Staff.* Charles G. Dawes, business man in politics. *Richard J. Walsh.* *World's Work.* Oct., 1924.

———. The setting for John W. Davis. *Walter Lippmann.* La Follette and La Follettism. *F. E. Haynes.* *Atlan. M.* Oct., 1924.

———. La Follette and the Wisconsin idea. *C. W. Alvord.* *Contemp. Rev.* Oct., 1924.

———. Why I shall vote for La Follette. III. *Zona Gale.* IV. *Edward T. Devine.* V. *Norman Hapgood.* VI. *Felix Frankfurter.* Why I shall vote for — I. Davis. *Walter Lippmann.* II. Coolidge. *Chester H. Rowell.* III. La Follette. *Herbert Croly.* *New Repub.* Oct. 1, 8, 15, 22, 29, 1924.

———. La Follette and his platform. I. The need of a new party. *Burton K. Wheeler.* II. La Follette's vindication. *Zona Gale.* III. The La Follette delusion. *Washington Pezet.* *Forum.* Nov., 1924.

———. Charles G. Dawes. *Arthur MacDonald.* *Mercure de France.* Sept. 15, 1924.

———. American presidential elections. *Pierre Crabitès.* *Nine. Cent.* Nov., 1924.

———. The presidential election in the United States. *Albert Bushnell Hart.* *Current Hist.* Dec., 1924.

**Primary.** Exclusion of negroes from democratic primary elections in Texas. *James Parker Hall.* III. *Law Rev.* Dec., 1924.

**Prohibition.** Enforcing national prohibition in the United States. *Cong. Digest.* Oct., 1924.

**Public Expenditures.** The significance of the growth of public expenditures in a democracy. *W. F. Gephart.* *Econ. World.* Sept. 27, 1924.

**Public Opinion.** The political vote as a frequency distribution of opinion. *Stuart A. Rice.* *Quar. Pub. Am. Statistical Assoc.* Mar., 1924.

**Public Utilities.** Rate regulation and fair return. *C. O. Ruggles.* *Jour. Pol. Econ.* Oct., 1924.

———. Fair value for effective rate control. *John Bauer.* *Am. Econ. Rev.* Dec., 1924.

———. The utilities' attitude towards depreciation reserves. *W. H. Maltbie.* *Nat. Mun. Rev.* Dec., 1924.

- Radicalism.** Radicalism in the United States. *Edwin W. Hullinger*. Scribner's. Oct., 1924.
- Railroad Problem.** The railroads on the griddle. *Richard Hoadley Tingley*. Am. Mercury. Oct., 1924.
- Rehabilitation.** Civilian vocational rehabilitation. *Reuben D. Cahn*. Jour. Pol. Econ. Dec., 1924.
- Representation.** Government by yokel. *Orville A. Welsh*. Am. Mercury. Oct., 1924.
- Shipping Board.** At sea with a board. *S. G. Riggs*. Foreign Affairs. Dec., 1924.
- State Constitutions.** Europeanizing the state constitution—the water and power amendment. *Samuel C. Wiel*. Calif. Law Rev. Sept., 1924.
- . Constitutional changes since 1918. *J. P. Chamberlain*. Am. Bar Assoc. Jour. Oct., 1924.
- . Power of the legislature to call a constitutional convention. *W. W. Thornton*. Central Law Jour. Nov. 5, 1924.
- . Early frontier democracy in the first Kentucky constitution. *E. Merton Coulter*. Pol. Sci. Quar. Dec., 1924.
- State Debts.** The increase of state bonded indebtedness in the United States. *William P. Helm, Jr.* Econ. World. Oct. 25, 1924.
- State Police.** State police developments: 1921–1924. *Milton Conover*. Am. Pol. Sci. Rev. Nov., 1924.
- Tariff.** Our tariff troubles and the remedy. *Thomas Walker Page*. Rev. of Revs. Nov., 1924.
- Taxation.** The single-tax complex analyzed. *Willford I. King*. Jour. Pol. Econ. Oct., 1924.
- . Tax-exempt securities. *M. M. Logan*. Central Law Jour. Oct. 5.
- . The administration of gasoline taxes in the United States. *James W. Martin*. State taxation of passenger automobiles. *Harry A. Barth*. Nat. Mun. Rev. Oct. (Supp.), Nov., 1924.
- . Stock distribution incidental to a reorganization as income under the federal income tax acts. *W. J. M.* Pa. Law Rev. Nov., 1924.
- . Taxation in Massachusetts. *Joseph Earl Perry*. Boston Univ. Law Rev. Nov., 1924.
- . The computation of income on sale of dividend stock or subscription rights. *Douglas Blount Maggs*. Calif. Law Rev. Nov., 1924.
- . Statutory limitations on property taxation in Minnesota. *Bryce E. Lehman*. League of Minn. Municipalities, Publication No. 5.
- . Notes on the revenue act of 1924—income tax provisions. *Roswell F. Magill*. Columbia Law Rev. Dec., 1924.
- . The national revenue act of 1924. *Middleton Beaman*. Am. Bar Assoc. Jour. Dec., 1924.
- Treaties.** The supreme court and treaties. *J. Whilla Stinson*. Pa. Law Rev. Nov., 1924.
- Vice President.** The vice-presidency. *Samuel McCune Lindsay*. Rev. of Revs. Oct., 1924.
- Voting.** Getting out the vote. *George Wheeler Hinman, Jr.* Rev. of Revs. Oct., 1924.

**Voting.** The vanishing voter. *Arthur M. Schlesinger* and *Erik McKinley Eriksson*. New Repub. Oct. 15, 1924.

———. Women who do not vote. *Sarah Schuyler Butler*. Scribner's. Nov.

———. The millions of Americans who fail to vote. *Simon Michelet*. Current Hist. Nov., 1924.

———. The psychology of voting. I. Scare 'em. *Frank Kent*. II. More and better cows. *Harford Powel, Jr.* Forum. Dec., 1924.

**Workmen's Compensation.** Workmen's compensation for diseases due to employment. *J. P. Chamberlain*. Am. Bar Assoc. Jour. Sept., 1924.

## FOREIGN AND COMPARATIVE GOVERNMENT

### Books

*Addison, Christopher*. Politics from within, 1911-1918. 2 vols. Pp. 304; 304. London: Herbert Jenkins.

*Bardoux, Jacques*. J. Ramsay MacDonald. Pp. ii + 192. Paris: Plon.

*Bigham, Clive*. The prime ministers of Great Britain, 1721-1924. (Fourth ed.) London: Murray.

*Bonnard, R.* Précis élémentaire de droit public. Pp. 376. Paris: Société du Recueil Sirey.

*Bonomi, Ivanhoe*. From socialism to fascism. (Translated by John Murray.) London: Hopkinson.

*Bourgin, Hubert*. Histoire d'une sécession politique (1915-1917). Le parti contre la patrie. Pp. xxiii + 249. Paris: Plon.

*Cantalupo, Roberto*. Fatti europei e politica italiana (1922-24). Pp. 196. Milano: casa ed. Imperia.

*Carhill, Al*. The legacy of liberalism. Pp. 168. London: Philip Allan.

*Clarke, John J.* Social administration including the poor laws. Pp. viii + 364. London: Pitman.

*Davies, A. E.* British railways, 1825-1924. Why nationalisation is inevitable. London: Railway Nationalisation Society.

*Ferrero, Guglielmo*. Four years of fascism. (Translated by E. W. Dickes.) Pp. xv + 138. London: King.

*Fleiss, Max*. Historia administrativa do Brasil. Pp. 354. Rio de Janeiro: Imprensa Nacional. 1923.

*Gentizon, Paul*. Le drame bulgare; de Ferdinand à Stamboulisky. Pp. 256. Paris: Payot.

*Gentleman with the Duster, The*. Through the windows of Westminster. Putnam's.

*Germain, José, et Faye, Stephane*. Le nouveau monde français: Maroc, Algérie, Tunisie. Paris: Plon.

*Gilchrist, R. N.* The separation of executive and judicial functions. Pp. iv + 240. Calcutta: Univ. of Calcutta.

*Gmelin, Hans*. Verfassungsrecht der übrigen europäischen Staaten. Berlin: Julius Springer.

*Goldman, Emma*. My further disillusionment in Russia. Pp. 193. Doubleday, Page.

*Grousset, René.* Le reveil de l'Asie: l'imperialisme britannique et la révolte des peuples. Pp. 251. Paris: Plon. 1923.

*Gruber, Joseph,* ed. Czechoslovakia: 1918-1923. Macmillan.

*Guilbeaux, Henri.* La portrait authentique de Vladimir Ilitch Lenine. Pp. 168. Paris: Libr. de l'Humanité.

*Gwynn, Stephen.* Ireland. Pp. 252. London: Benn.

*Hatschek, Julius.* Das preussische Verfassungsrecht. Pp. 520. Berlin: G. Stilke.

*Hinkley, Edyth.* Mazzini. The story of a great Italian. Pp. 287. London: Allen & Unwin.

*Hogue, Richard W.,* ed. Policies and ideals of the British labour party. Pp. 281. Boni & Liveright.

*Hosotte, Louis.* Une nation trahie. L'internationale contre la France, 1864-1923. Pp. 32 + 254. Paris: Libr. des Saints-Pères. 1923.

*Hurd, Percy.* The empire: a family affair. Pp. 184. London: Philip Allan.

*Ibrahim, White.* La nouvelle constitution de l'Egypte. Pp. 364. Paris: L. Chauny et L. Quinsac.

*Jaurès, Jean.* Histoire socialiste de la révolution française. T. 8: Le gouvernement révolutionnaire. Pp. 425. Paris: Libr. de l'Humanité.

*King, Paul.* In the Chinese customs service: a personal record of forty-seven years. London: T. F. Unwin.

*Knowles, L. C. A.* The economic development of the British overseas empire, 1763-1914. Pp. xv + 555. London: Routledge.

*Koellreutter, Otto.* Verfassungsrecht der angelsächsischen Staatenwelt. Berlin: Julius Springer.

*Kraus, Herbert.* Germany in transition. Univ. of Chicago Press.

*Laubert, Manfred.* Die preussische Politik von 1792-1914. Berlin: Preussische Verlagsanstalt.

*Laubert, Manfred.* Die Verwaltung der Provinz Posen. Breslau: Pributsch's Verlag.

*Louis, Paul.* Le syndicalisme français d'Amiens à Saint-Etienne, 1906-1922. Pp. 206. Paris: Alcan.

*Marcuzzi, Antonio.* Letteratura fascista. Pp. xi + 106. Torino: ditta eredi Botta.

*Marriott, Sir J. A. R.* The English constitution in transition, 1910-1924. Pp. 40. Oxford Univ. Press.

*Masson, Emile.* La suprême cour d'Angleterre. Pp. 204. Paris: Vie universitaire.

*Matteotti, Giacomo.* The fascisti exposed: a year of fascist domination. (Translated by E. W. Dickes.) Pp. xi + 128. London: I. L. P. Publication Dept.

*Melgunow, Sergei P.* Der rote Terror in Russland 1918-1923. Pp. 364. Berlin: O. Diakow & Co.

*Mérignhac, A.* Traité de législation et d'économie coloniales. (2<sup>e</sup> éd.) Pp. 887. Paris: Société du Recueil Sirey.

*Mills, J. Saxon.* David Lloyd George—war minister. Pp. viii + 303. London: Cassell.

*Mirek, F.* Le pouvoir législatif dans l'ancienne Pologne, ses origines jusqu'à la première moitié du 16<sup>e</sup> siècle. Pp. 136. Paris: L. Chauny et L. Quinsac.

- Moncrieff, A. R. Hope.* The rise of the British empire. London: Blackie.
- Mondaini, Gennaro.* Manuale di storia e legislazione coloniale del regno d'Italia. Pp. 228. Roma: Attilio Sampaolesi.
- Müller, Karl Alexander von.* Der ältere Pitt. Stuttgart: Deutsche Verlags-Anstalt. 1923.
- Murgotten, Francis Clark.* The origins of the Islamic state. Pp. 297. Columbia Univ.
- Noaro, Guiseppe Candido.* Manuale della legislazione italiana sul lavoro e sulla previdenza sociale. Pp. xvi + 177. Roma: C. Colombo.
- O'Connor, Norreys Jephson.* Changing Ireland; literary backgrounds of the Irish Free State, 1889-1922. Pp. 271. Harvard Univ. Press.
- Paley, Princess.* Memories of Russia, 1916-1919. Pp. 320. London: Herbert Jenkins.
- Pighetti, Guido.* Sindacalismo fascista. Pp. 254. Milano: casa ed. Imperia.
- Platonov, S.* A history of Russia. (Rev. ed.) Macmillan.
- Rait, Robert S.* History of the parliaments of Scotland. Pp. 540. Glasgow: MacLehose & Jackson.
- Ramaiya, A.* A national system of taxation: being a study of the theory of taxation in relation to national welfare with some applications to British India. Pp. xii + 252. Madura: P. S. Mahadeva Iyer.
- Russo, Domenico.* Mussolini y el fascismo. Pp. 212. Madrid: J. Pueyo.
- Sapre, B. G.* The growth of Indian constitution and administration. Pp. xxvi + 457 + lviii. Sangli (India): Author.
- Satomi, Kishio.* Discovery of Japanese idealism. Pp. 178. London: Kegan Paul.
- Select constitutions of the world: prepared for presentation to Dail Eireann by order of the Irish provisional government, 1922. Pp. 604. Dublin: Eason.
- Semenoff, Marc.* Histoire de Russe. Pp. 405. Paris: La Renaissance du Livre.
- Siegfried, André.* L'Angleterre d'aujourd'hui. Son évolution économique et politique. Pp. 318. Paris: Crès.
- Siegfried, André.* Post-war Britain. London: Cape.
- Sorokin, Pitrim.* Leaves from a Russian diary. Dutton.
- Steven, Robert.* The national liberal club. Pp. 91. London: Holden.
- Stier-Somlo, Fritz.* Deutsches Reich und Landesstaatsrecht. Pp. xvi + 726. Berlin: Walter de Gruyter & Co.
- Street, C. J. C.* Hungary and democracy. London: T. Fisher Unwin.
- Thomas, Ernest C.* Leading cases in constitutional law. (5th ed., by Hugh H. L. Bellot.) London: Sweet & Maxwell.
- Trotter, Reginald George.* Canadian federation. London: Dent.
- Un Africain.* Manuel de politique musulmane. Pp. 190. Paris: Bossard.
- Valyi, Felix.* Spiritual and political revolutions in Islam. London: Kegan Paul.
- Véran, Jules.* Comment on devient député, sénateur, ministre. Pp. 131. Paris: Bossard.
- Vicentini, Luigi.* Il governo fascista giudicato fuori d'Italia. Pp. 195. Milano: A. Barion.
- Vincenzo, Miceli.* Il partito fascista e la sua funzione in Italia. Pp. 127. Milano: casa ed. Imperia.

*Zivanovic, Z.* Politicka istorija serbiji u drugoj polovini devetnaestog veka. 2 vols. Pp. 394; 413. Belgrade: Greca Kon.

### Articles

**Agrarian Reform.** New Europe's peasant proprietors. *Emil Lengyel.* Current Hist. Oct., 1924.

**Anti-Trust Legislation.** Recent developments in foreign anti-trust legislation. *William Notz.* Yale Law Jour. Dec., 1924.

**Arabia.** Intertribal conflict in Arabia. *Anthony Clyne.* Current Hist. Dec., 1924.

**Australia.** Some problems of taxation in Australia. *D. B. Copland.* Econ. Jour. Sept., 1924.

———. The Australian income tax. *D. B. Copland.* Quar. Jour. Econ. Nov., 1924.

**Austria.** The Austrian question. *Theodor von Sosnosky.* Anglo-Hungarian Rev. Sept., 1924.

**Belgium.** La vie politique en Belgique. *Hermann Dumont.* Rev. Pol. et Parl. Sept., 1924.

**British Empire.** Imperial diplomacy. Round Table. Sept., 1924.

———. The development of British imperialism. *Kingsley Martin.* Economica. Nov., 1924.

———. The king's title. *Norman A. M. MacKenzie.* Canadian Bar Rev. Nov., 1924.

———. Notes on imperial constitutional law. *A. Berriedale Keith.* The reorganisation of the Zanzibar courts. *S. S. Abrahams.* Jour. Comp. Legis. and Int. Law. Nov., 1924.

**Canada.** Le régime administratif du Canada. *R. Le Conte.* Rev. Droit Pub. et Sci. Pol. July-Sept., 1924.

———. Drug smuggling from Canada. *William J. McNulty.* Current Hist. Oct., 1924.

———. The Canadian experiment. *Hugh L. Keenleyside.* New Repub. Nov. 19, 1924.

**Central America.** Central Americanism and its problems. *Lucio M. Moreno Quintana.* Inter-America. Oct., 1924.

**Chile.** Chile's bloodless revolution. *Earle K. James.* Current Hist. Dec., 1924.

**China.** L'évolution de la Chine. *Georges Cadoux.* Rev. Pol. et Parl. Oct.

———. China's educational awakening. *Andrew R. Boone.* Current Hist. Oct., 1924.

———. Changing China. *Henry W. Bunn.* N. Am. Rev. Dec., 1924.

**Cuba.** The Cuban election problem. *Charles E. Chapman.* Rev. of Revs. Oct., 1924.

**Currency Problem.** European currencies and the gold standard. *Marcus Nadler.* Jour. Pol. Econ. Oct., 1924.

———. Maladies monétaires de l'Europe. *Jacques Kulp.* Rev. Deux Mondes. Oct. 15, 1924.

———. Currency reform in Poland. *Adam Krzyzanowski.* Economica. Nov., 1924.

**Currency Problem.** The chaotic currency condition of Europe. *Neil Carothers*. *Current Hist.* Dec., 1924.

**Denmark.** Valgets Lære. *J. P. Sundbo*. *Gads Danske Mag.* July-Aug.

———. Ministeriet og partierne. *Ove Rode*. *Tilskueren*. Nov., 1924.

———. Power to declare legislation unconstitutional in Denmark. *Axel Tiesen*. *Am. Bar Assoc. Jour.* Nov., 1924.

**Egypt.** Zaghlul Pasha, Egyptian revolutionist and premier. *Anthony Clyne*. *Current Hist.* Nov., 1924.

**Elections.** The outcome of the British and American elections as a return to genuine liberalism. *Arthur Richmond Marsh*. *Econ. World*. Nov. 8, 1924.

———. Elections in Europe and at home. *Frank H. Simonds*. *Rev. of Revs.* Dec., 1924.

**France.** Des règlements faits en vertu d'une compétence donnée au gouvernement par le législateur. *Léon Duguît*. Les motifs dans les décisions des juridictions administratives. *Marc Noël*. *Rev. Droit Pub. et Sci. Pol.* July-Sept.

———. La réforme électorale. *Ambroise Got*. *Mercure de France*. Oct. 15, 1924.

———. De la vie chère à la réforme administrative. *Henry de Jouvenel*. *Rev. Bleue*. Oct. 18, 1924.

———. La politique coloniale des matières premières. *A. de Monzie*. Le projet de budget de 1925. *Edgard Allix*. *Rev. Pol. et Parl.* Oct., Nov., 1924.

———. Du tort que nous fait aux États-Unis la politique anticléricale. *Félix Klein*. *Le Correspondant*. Nov. 10, 1924.

———. A new invasion of France. *Stéphane Lauzanne*. *N. Am. Rev.* Dec.

———. France under the Herriot ministry. *Ernest Dimnet*. *Yale Rev.* Jan., 1925.

**Germany.** Der deutsche Föderalismus. *R. v. Kienitz*. *Preuss. Jahrbücher*. May, 1924.

———. La constitution de Weimar et le droit privé. *J. Duquesne*. La question du caractère étatique des pays allemands. *R. Carré de Malberg*. *Bull. Mens. Légis. Comp.* July-Sept., 1924.

———. Das kirchenpolitische System der Weimarer Verfassung. *Friedrich Giese*. Verträge des Reichs und der Länder mit auswärtigen Staaten nach der Reichsverfassung. *Johannes Heckel*. Die Haftung des deutschen Reiches für die Schulden der ehemaligen deutschen Schutzgebiete. *Walter Hamel*. *Archiv. Öffent. Rechts*. No. 1, 2, 1924.

———. Grenzdeutschum und Reichstagswahlen. *Karl C. von Loesch*. *Deutsche Rundschau*. June, 1924.

———. Sozialismus und deutsche Sozialdemokratie. *Sigmund Rubinstein*. *Österreich. Rundschau*. June, 1924.

**Great Britain. Government.** Les finances britanniques depuis la guerre. *L. Paul-Dubois*. *Rev. Deux Mondes*. Sept. 15, 1924.

———. Borough representation in Richard II's reign. *Miss May McKisack*. *Eng. Hist. Rev.* Oct., 1924.

———. The appellate jurisdiction of central government departments. *F. H. C. Wiltshire*. Appellate jurisdiction. *I. G. Gibbon*. The administration of the post office. *Sir William Noble*. *Jour. Pub. Admin.* Oct., 1924.

———. British justice and the native races. *John H. Harris*. *Contemp. Rev.* Oct., 1924.



**Great Britain. Government.** Decentralization and group government in England. *Carleton Kemp Allen*. *Columbia Law Rev.* Nov., 1924.

———. **Politics.** La controverse protectionniste en Grande-Bretagne et les dernières élections. *André Siegfried*. *Rev. Sci. Pol.* Apr.-June, 1924.

———. The future of English liberalism. *E. T. Raymond*. *Atlan. M.* Oct.

———. Nine months of labor government. *Wedgwood Benn*. The dissolution. *C. F. G. Masterman*. *Contemp. Rev.* Oct., Nov., 1924.

———. The dissolution and the future. *W. Permewan*. *Fort. Rev.* Nov.

———. Imperial preference: the free traders' objections. *Earl Beauchamp*. Liberalism. *Stuart Hodgson*. The conservative party. *Walford D. Green*. *Nine. Cent.* Nov., 1924.

**Greece.** Greece in the agonies of revolutionary conflict. *A. Th. Polyzoides*. *Current Hist.* Dec., 1924.

**Hungary.** The public finances of dismembered Hungary. *Frederick Fellner*. *Anglo-Hungarian Rev.* Sept., 1924.

**India.** The economic and social aspirations of the Indian nationalists. *Round Table*. Sept., 1924.

———. The threat to British rule in India. *Lord Sydenham of Combe*. *Current Hist.* Oct., 1924.

———. Indian reform. *Sir Wolseley Haig*. *Nine. Cent.* Nov., 1924.

———. The Lee commission and the legislative assembly. *Stanley Rice*. *Fort. Rev.* Nov., 1924.

———. England in India. *A British Official*. *Rev. of Revs.* Dec., 1924.

**Iraq.** The newest constitution in an ancient land. *Richard Coke*. *Current Hist.* Nov., 1924.

———. The Irish boundary question. *Round Table*. Sept., 1924.

———. Ulster's Irish spirit. "*Macdara*." *Fort. Rev.* Oct., 1924.

———. The case for Ulster. *Sir Kingsley Wood*. *Nine. Cent.* Oct., 1924.

———. Ireland's house in order. *Maude Radford Warren*. *Current Hist.* Oct., 1924.

———. Legal observations of an American lawyer in Ireland. *Charles B. Elder*. *Ill. Law Rev.* Nov., 1924.

———. Cutting Ireland in two. *Anon.* *Atlan. M.* Dec., 1924.

———. Ireland, one and divisible. *Stephen Gwynn*. *Foreign Affairs*. Dec.

**Italy.** Italy since the great war. *Paul V. B. Jones*. *Hist. Outlook*. Oct.

———. The reduction of the public debt of Italy. *Romolo Angelone*. *Econ. World*. Oct. 11, 1924.

———. The origins of fascism and the evolution of Mussolini. *Lina Waterfield*. *Fort. Rev.* Nov., 1924.

———. The anti-*risorgimento*: the work of *fascismo* in Italy. *Umberto Manotti-Bianco*. *Contemp. Rev.* Nov., 1924.

———. Fascism and finance. *Alzada Comstock*. *N. Am. Rev.* Dec., 1924.

**Japan.** The political future of Japan. *Stephen King-Hall*. *Fort. Rev.* Oct., 1924.

———. What is wrong with Japan? *Emil Lederer*. (*Frankfurter Zeitung*) *Liv. Age*. Nov. 15, 1924.

———. The difficulties and hopes of Japan. *Yusuke Tsurumi*. *Foreign Affairs*. Dec., 1924.

**Latin America.** La formation d'une nouvelle grande puissance. *Camille Chabrière*. *Rev. Bleue*. Oct. 4, 1924.

**Mexico.** Self-government in Mexico. *Robert Glass Cleland*. *Atlan*. M. Nov., 1924.

**Normandy.** The judicial organization of Normandy, 1189-1204. *Sydney R Packard*. *Law Quar. Rev.* Oct., 1924.

**Russia.** Loi fondamentale de la fédération des républiques soviétistes socialistes. II. *Bull. l'Inst. Intermédiaire Int.* July, 1924.

———. Il "nuovo corso" di Leone Trozki. *Erminio Carlo Mariani*. L'ultima costituzione dei soviety. Testo ufficiale. *Politica*. July-Aug., 1924.

———. Die russische Agrarrevolution. *Boris Brutzkus*. *Zeitschrift gesamte Staatswissenschaft*. No. 2, 1924.

———. La théorie des mouvements des peuples et la guerre civile en Russie. *Alexandre Koulicher*. *Rev. Int. Sociol.* Sept.-Oct., 1924.

———. The territorial organization of the soviet power, 1924. *Robert F. Kelley*. *Geog. Rev.* Oct., 1924.

———. Who's who in soviet Russia. *William Henry Chamberlin*. *Atlan*. M. Oct., 1924.

———. Impressions of Russia to-day. *N. Assheton-Pownall*. *Nine. Cent.* Oct., 1924.

———. L'instruction publique en Russie. *M. Hénou*. *Mercure de France*. Oct. 1, 1924.

———. The communist conception of law. I. II. *Boris Komar*. *Canadian Bar Rev.* Oct., Nov., 1924.

———. The results of Leninism. *Lancelot Lawton*. *Fort. Rev.* Nov.

———. Politics versus economics in Russia. *William Henry Chamberlin*. *Rev. of Revs.* Nov., 1924.

———. New soviet codes and soviet justice. *Pitirim Sorokin*. *Mich. Law Rev.* Nov., 1924.

———. Boris Savinkov. *Elias Tobenkin*. *Current Hist.* Dec., 1924.

**Siam.** Imperialism at home. *Lyman Bryson*. *Atlan*. M. Dec., 1924.

**South Africa.** General Hertzog. *Fred W. Bell*. *Fort. Rev.* Nov., 1924.

———. The colour bar decision in the Transvaal. *South African Correspondent*. The constitutional changes in northern Rhodesia and matters incidental to the transition. *G. D. Clough*. *Jour. Comp. Legis. and Int. Law*. Nov.

**Spain.** Die Staatsumwälzung in Spanien. *Paul Herre*. *Österreich. Rundschau*. June, 1924.

**Sweden.** The three-party system in Sweden. *Gunnar Gyllander*. *Contemp. Rev.* Nov., 1924.

**Turkey.** Der staatliche Neuaufbau der Türkei. *Gustav Herlt*. *Österreich. Rundschau*. June, 1924.

———. La Turquie laïque. *Roger Labonne*. *Le Correspondant*. Sept. 10.

———. The passing of the caliphate. *Nathaniel Peffer*. *Forum*. Nov.

## INTERNATIONAL RELATIONS

### Books

*Aall, Herman Harris*. The neutral investigation of the causes of wars. Pp. xiv + 161. Kristiania: Herman Harris Aall. 1923.

*Adams, Randolph Greenfield.* A history of the foreign policy of the United States. Pp. 450. Macmillan.

*Alvarez, Alejandro.* The Monroe doctrine. Pp. ix + 573. Oxford Univ. Press.

*Balch, Thomas W.* Legal and political questions between nations. Pp. 157. Philadelphia: Allen, Lane & Scott.

*Belmont, Perry.* National isolation an illusion. Putnam's.

*Brière, Yves de la.* L'organisation internationale du monde contemporain et la papauté souveraine. Pp. 319. Paris: Spès.

*Borgoño, Luis Barros.* Problem of the Pacific and the new policies of Bolivia. Pp. vii + 191. Baltimore: Sun Job Printing Office.

*Converset, Colonel.* Les trois ans de diplomatie secrète qui nous menèrent à la guerre de 1914. Paris: Levallois-Perret.

*Dulcher, George M.* The political awakening of the east. N. Y.: Abingdon Press.

*El-Araby, Mohamed Abdullah.* La conscription des neutres dans les luttes de la concurrence économique. Pp. xxx + 328. Paris: Giard.

*Fayle, C. Ernest.* Seaborne trade. Vol. III. The period of unrestricted submarine warfare. Pp. xx + 501. Longmans.

*Femmen, Edo.* Labour's alternative: the united states of Europe, or Europe. London: Labour Pub. Co.

*Fisher, Irving.* America's interest in world peace. N. Y.: Funk & Wagnalls.

*Fooks, Herbert C.* Prisoners of war. Pp. xxiv + 456. Federalsburg (Md.): J. W. Stowell Printing Co.

*Frantz, G.* Russlands Eintritt in den Weltkrieg. Pp. 306. Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte.

*Garner, James W.* La réglementation internationale de la navigation aérienne. Bruxelles: Weissenbuch.

*Gemma, Scipione.* Appunti di diritto internazionale. Diritto pubblico. Bologna: Zanichelli.

German white book: concerning the responsibility of the authors of the war. (Carnegie Endowment for Int. Peace.) Pp. xv + 178. Oxford Univ. Press.

*Glasgow, George.* MacDonald as a diplomatist. London: Cape.

*Gompers, Samuel.* Ligue de nations ou ligue de financiers. Pp. 128. Paris: Payot.

*Johnston, G. A.* International social progress. Macmillan.

*Kellor, Frances, and Hatvany, Antonia.* Security against war. 2 vols. Pp. 860. Macmillan.

*Krstitch, Dragoljub.* Les minorités, l'état et la communauté internationale. Paris: Rousseau.

*Leroux, Ch.* Le droit international pendant la guerre maritime russo-japonaise. Pp. 268. Paris: Pedone.

*Levesque, Geneviève.* La situation internationale de Dantzig. Pp. 178. Paris: Pedone.

*Luquet, J.* La politique des mandats dans le Levant. Pp. 284. Paris: La Vie Universitaire.

*Mackinder, Sir H. J.* The world war and after. Pp. xvi + 286. London: George Philip & Son.

*Matsunami, N.* Immunity of state ships. Pp. xv + 208. London: Richard Flint & Co.

*Millot, Albert.* Les mandats internationaux. Pp. 254. Paris: Emile Larose.

*Morhardt, M.* Les preuves. Le crime de droit commun. Le crime diplomatique. Pp. 380. Paris: Libr. du Travail.

*Nicolai, W.* Geheime Mächte: Internationale Spionage und ihre Bekämpfung im Weltkriege und Heute. Leipzig: Koehler.

*Norman, C. H.* A searchlight on the European war. Pp. xv + 178. London: Labour Pub. Co.

*Palmieri, Aurelio.* La politica asiatica dei bolscevichi. Bologna: Zanichelli.

*Pic, Paul.* Syrie et Palestine. Paris: Champion.

*Pinon, René.* L'avenir de l'entente franco-anglaise. Paris: Plon-Nourrit.

*Politis, N.* La justice internationale. Pp. 325. Paris: Hachette.

Preliminary history of the armistice. Official documents. (Carnegie Endowment for Int. Peace.) Pp. 163. Oxford Univ. Press.

*Rappard, William E.* L'entrée de la Suisse dans la société des nations. Pp. iv + 81. Geneva: Sonor.

*Roscoe, E. S.* A history of the English prize court. Pp. ix + 115. London: Lloyd's.

*Saavedra Lamas, Carlos.* Traités internationaux de type social. Pp. xii + 453. Paris: Pedone.

*Salvemini, G.* Italy and the triple alliance. London: Benn.

*Sanchez de Fuentes, Fernand.* La législation ouvrière internationale principalement au point de vue américain. Paris: Casa.

*Sloane, Wm. M.* Greater France in Africa. Scribner's.

*Smith, Laura M.* American relations with Mexico. Pp. 249. Oklahoma City: Harlow Pub. Co.

*Soule, C. C., and McCauley, C.* International law for naval officers. Pp. 183. Annapolis: Naval Institute. 1923.

*Spaight, James M.* Air power and war rights. Pp. 502. Longmans.

*Stoddard, Lothrop.* Racial realities in Europe. Scribner's.

*Tchiritch, Slavko M.* La question de Fiume. Paris: Jouve.

*Thorpe, George Cyrus.* Preparation of international claims. Pp. x + 280. Kansas City (Mo.): Vernon Law Book Co.

*Trelles, Camilo Barcia.* La política exterior norte-americana de la post-guerra. Madrid: Valladolid.

*Tritony, Romolo.* Il sionismo e le sue difficoltà politiche in Palestina. Pp. 170. Roma: Rassegna italiana.

*Völlmar, H. F. A.* Les finances de la société des nations. Pp. viii + 116. La Haye: Nijhoff.

*Wells, Gabriel.* What is truth? Pp. 123. London: Heinemann.

#### Articles

American Foreign Policy. American choices in the far east in 1882. *Tyler Dennett.* Am. Hist. Rev. Oct., 1924.

———. The myth of American isolation. *Pitman B. Potter.* Current Hist. Nov., 1924.

**American Foreign Policy.** The Turkish treaty—a debate. I. Making friends with unrighteousness. *Albert Bushnell Hart*. II. Our holier-than-thou policy. *Edward Mead Earle*. *Forum*. Dec., 1924.

———. After the election. *E. Foreign Affairs*. Dec., 1924.

**Anglo-German Relations.** The Anglo-German alliance proposals. *William Harbutt Dawson*. *Contemp. Rev.* Nov., 1924.

**Arbitration.** Les dommages indirects dans les arbitrages internationaux. *A. Hauriou*. *Rev. Gén. Droit Int. Pub.* May-Aug., 1924.

———. National security and international arbitration. *Charles G. Fenwick*. *Am. Jour. Int. Law*. Oct., 1924.

———. The decisions of the Anglo-German mixed arbitral tribunal. II. *Everard Dickson*. *Jour. Comp. Legis. and Int. Law*. Nov., 1924.

**Austrian Reconstruction.** La sistemazione dell' Austria. *Victor*. *Nuova Antologia*. Oct. 16, 1924.

**Aviation.** The new gospel of the air. *Harry Harper*. *Contemp. Rev.* Nov., 1924.

**Boundary Problems.** Present status of international boundaries in South America. *Raye R. Platt*. *Geog. Rev.* Oct., 1924.

———. Franco-German frontiers. *Charles H. Haskins*. The Franco-Swiss free zones: map and note. *Louis Schulthess*. *Foreign Affairs*. Dec., 1924.

**British Policy.** England und Europa. *Wilhelm von Kries-London*. *Deutsche Rundschau*. June, 1924.

———. Canning and the conferences of the four allied governments at Paris, 1823-1826. *Harold Temperley*. *Am. Hist. Rev.* Oct., 1924.

**Corfu.** L'incident de Janina entre la Grèce et l'Italie. *K. Strupp*. *Rev. Gén. Droit Int. Pub.* May-Aug., 1924.

**Dardanelles.** The Turkish straits under international control. *George A. Schreiner*. *Current Hist.* Oct., 1924.

**Diplomacy.** L'organisation du travail diplomatique en France de 1667 à 1670. *C. G. Picavet*. *Rev. Historique*. July-Aug., 1924.

———. Glossen zu den Diplomaten-Akten, 1897-1903. *Albrecht Mendelssohn Bartholdy*. *Neue Rundschau*. Sept., 1924.

**Disarmament.** Die Bedeutung der Seemacht für die heutige Weltlage. *Albert Hopman*. *Preuss. Jahrbücher*. Apr., 1924.

———. Afrustning. *Cai Schaffalitzky de Muckadell*. *Gads Danske Mag.* Sept., 1924.

———. The dismal prospect for limiting armaments. *Hector C. Bywater*. *Atlan. M.* Nov., 1924.

———. America and Britain in the far east. *W. H. Gardiner*. *Fort. Rev.* Nov., 1924.

———. Paix et désarmement. *Général Regnault*. *Rev. Mondiale*. Oct. 1.

———. La flotte que nous devons avoir. *Anger*. *Mercure de France*. Nov. 1.

**Egypt.** In conflitto anglo-egiziano per il Sudan. *Aurelio Palmieri*. *Politica*. July-Aug., 1924.

———. Das europäische Ägypten. *Wilhelm Grotkopp*. *Deutsche Rundschau*. Aug., 1924.

———. Egypt and the Sudan. *Round Table*. Sept., 1924.

———. L'Égypte et la question du Soudan. *Henri Pozzi*. *Rev. Mondiale*. Oct. 15, 1924.

**Egypt.** Egypt, the Sudan and the Nile. *Pierre Crabitès*. Foreign Affairs. Dec., 1924.

**Extraterritoriality.** Extraterritoriality in China. *Charles Denby*. Foreign jurisdiction in China. *N. Wing Mah*. Extraterritoriality in China. *William C. Dennis*. Am. Jour. Int. Law. Oct., 1924.

———. The present situation with regard to the privileges of foreigners in the near east. *F. M. Goadby*. Jour. Comp. Legis. and Int. Law. Nov., 1924.

**French Policy.** French opinion as a factor in preventing war between France and the United States, 1795-1800. *James A. James*. Am. Hist. Rev. Oct., 1924.

———. Un nouveau traité franco-siamois. *E. Outrey*. La collaboration économique franco-allemande. *Henry Laufenburger*. Rev. Pol. et Parl. Oct.

———. Is a Franco-German bloc coming? *Sisley Huddleston*. New Repub. Oct. 1, 1924.

**Geneva Protocol.** La "pace definitiva" a Ginevra. *Politica*. Politica. July-Aug., 1924.

———. Les journées de Genève. *André Chaumeix*. Rev. de Paris. Sept. 15, 1924.

———. Les illusions de Genève et les désillusions de Paris. Le bilan de Genève. *L. Dumont-Wilden*. Rev. Bleue. Oct. 4, 18, 1924.

———. The disturbing political and economic implications of the league of nations arbitration and security protocol. *Arthur Richmond Marsh*. Econ. World. Oct. 11, 1924.

———. Back to the covenant. *H. Wilson Harris*. The protocol and the covenant. *Sir F. T. Piggott*. Contemp. Rev. Oct., Nov., 1924.

———. From London to Geneva. MacDonald falls—while the league advances. *Frank H. Simonds*. Rev. of Revs. Oct., Nov., 1924.

———. The Geneva protocol to outlaw war (with text of the protocol). Current Hist. Nov., 1924.

———. The control of the British navy. *Sir George Aston*. Nine. Cent. Nov., 1924.

———. Le protocole de Genève. *Commandant A. L.* Rev. Pol. et Parl. Nov., 1924.

———. The Geneva protocol. *Manley O. Hudson*. Foreign Affairs. Dec.

———. The new holy alliance. *John Hunter Sedgwick*. N. Am. Rev. Dec.

**German Policy.** Un ultranationalisme maladif en Allemagne.—Le racisme. *Jacques de Préchac*. Le Correspondant. Oct. 25, 1924.

**Hungaro-Italian Relations.** Hungaro-Italian historical relations. *Albert Berzeviczy*. Anglo-Hungarian Rev. Sept., 1924.

**Institute of International Law.** L'institut de droit international. Session de Bruxelles (août 1923). *P. Fauchille*. Rev. Gén. Droit Int. Pub. Sept.-Oct.

**International Court of Justice.** The world court. *Wm. G. Rice, Jr.* Wis. Law Rev. Oct., 1924.

———. Work of the Hague tribunals. *H. Ch. G. J. van der Mandere*. Current Hist. Dec., 1924.

**International Ethics.** An international ethic. *L. P. Jacks*. Foreign Affairs. Dec., 1924.

**International Labor Organization.** The international labor conference. *Amy Hewes*. Rev. of Revs. Nov., 1924.

**International Labor Organization.** The attempt to establish the eight-hour day by international action. II. *Herbert Feis*. *Pol. Sci. Quar.*, Dec., 1924.

**International Law.** Breves consideraciones sobre problemas de derecho internacional. *Mario Ruiz de los Llanos*. *Rev. Bimestre Cubana*. Sept.-Oct., 1924.

**International Organization.** Comment rétablir la sécurité et la prospérité en France et en Europe, par la coopération internationale. (Premier prix du concours français de la paix.) \* \* \* *Rev. Bleue*. Sept. 6, 1924.

———. The growth of international society. *P. J. Noel Baker*. *Economica*. Nov., 1924.

**Japanese Question.** President Roosevelt's secret pact with Japan. *Tyler Dennett*. *Current Hist.* Oct., 1924.

**Latin America.** The diplomatic relations between the United States and Brazil during the naval revolt of 1893. *Charles A. Timm*. *Southwestern Pol. and Soc. Sci. Quar.* Sept., 1924.

———. Economic rivalries in Latin America. *Julius Klein*. *Foreign Affairs*. Dec., 1924.

**Lausanne Treaty.** La question des détroits et la convention de Lausanne. *A. Rougier*. *Rev. Gén. Droit Int. Pub.* Sept.-Oct., 1924.

———. The settlement of Lausanne. *Edgar Turlington*. *Am. Jour. Int. Law*. Oct., 1924.

———. The Lausanne treaty. *A Student of Politics*. *Atlan. M.* Nov.

**League of Nations.** Les mesures de coercition entre membres de la société des nations envisagées spécialement au point de vue américain. *A. Guani*. *Rev. Gén. Droit Int. Pub.* May-Aug., 1924.

———. Catholic projects for a league of nations. *Vera Telfer*. *Catholic World*. Oct., 1924.

———. The league of nations in action. *Denys P. Myers*. *Current Hist.* Nov., 1924.

———. La V<sup>e</sup> assemblée de la société des nations. *Joseph Barthélemy*. *Rev. Pol. et Parl.* Oct., 1924.

———. Is the league of nations in sight? *E. J. Dillon*. The prime ministers at Geneva. *Hugh F. Spender*. *Fort. Rev.* Oct., Nov., 1924.

———. La V<sup>a</sup> assemblea generale della societa' delle nazioni a Ginevra. *Manfredi Gravina*. *Nuova Antologia*. Nov. 1, 1924.

———. Legislative summary of the fifth assembly (1924) of the league of nations. *John H. Wigmore*. *Ill. Law Rev.* Dec., 1924.

**Luxemburg.** Le statut international du Luxembourg et la société des nations. *A. Wehrer*. *Rev. Gén. Droit Int. Pub.* May-Aug., 1924.

**Mandates.** L'organisation de la fédération des états de Syrie et du grand Liban sous le mandat français. *Jean Donon*. *Rev. Sci. Pol.* July-Sept., 1924.

———. Treaties conferring rights in mandated territories. *Quincy Wright*. *Am. Jour. Int. Law*. Oct., 1924.

———. British policy in the middle east. *Robert Machray*. *Fort. Rev.* Nov., 1924.

———. International status of mandatory of league of nations. High treason against mandatory authority. *E. L. Matthews*. *Jour. Comp. Legis. and Int. Law*. Nov., 1924.

**Maritime Warfare.** Rules of naval war of Japan. *Bull. l'Inst. Intermédiaire Int.* July, 1924.

**Minorities.** Danish legislation protecting minorities. *Charles G. Fenwick.* *Am. Jour. Int. Law.* Oct., 1924.

**Monroe Doctrine.** An English opinion of the Monroe doctrine in 1860. *David Y. Thomas.* *Southwestern Pol. and Soc. Sci. Quar.* Sept., 1924.

———. Documents illustrating the reception and interpretation of the Monroe doctrine in Europe, 1823-4. *Harold Temperley.* *Eng. Hist. Rev.* Oct.

**Morocco.** L'oeuvre française en Algérie et au Maroc. III. IV. V. VI. *Georges Moraël.* *Nouvelle Rev.* Sept. 15, Oct. 1, 15, Nov. 1, 1924.

———. Moslem ferment in French North Africa. *Elizabeth Knowlton.* *Current Hist.* Nov., 1924.

**Near East.** Le protectorat catholique de la France en Orient. *Achille Mestre.* *Rev. Pol. et Parl.* Sept., 1924.

———. Lights and shadows in Palestine today. *G. Agronsky.* The Macedonian witches' cauldron. *Vangel Sugareff.* *Current Hist.* Oct., Nov., 1924.

———. L'affaire de Mossoul et la politique asiatique de l'Angleterre. *L. Dumont-Wilden.* *Rev. Bleue.* Nov. 1, 1924.

———. Five years of French policy in the near east. *Auguste Gauvain.* The new Balkans. *Hamilton Fish Armstrong.* *Foreign Affairs.* Dec., 1924.

**Opium Traffic.** Are we our brothers' keepers? *Constance Drexel.* *Harper's.* Nov., 1924.

**Outlawry of War.** Changes in the conception of war. *Quincy Wright.* *Am. Jour. Int. Law.* Oct., 1924.

**Pacific.** The coming commonwealth of the Pacific. *Ramsay Traquair.* *Scribner's.* Nov., 1924.

**Pan Americanism.** La V<sup>e</sup> conférence panaméricaine et la société des nations (*suite et fin*). *Rev. Sci. Pol.* Apr.-June, 1924.

**Recognition.** Recognition of de facto governments and the responsibilities of states. *Joseph Whittle Stinson.* *Minn. Law Rev.* Dec., 1924.

**Reparations.** La conferenza di Londra. *Ignotus.* I lavori della conferenza. *Ugo d'Andrea.* *Politica.* July-Aug., 1924.

———. Die Reparationsforderungen an Deutschland. *Eugen Würzburger.* *Deutsche Rundschau.* Sept., 1924.

———. The London conferences. Round Table. Sept., 1924.

———. Les accords de Londres. *L. Dumont-Wilden.* L'Allemagne paiera-t-elle? Les transferts. *Jean Lescure.* *Rev. Bleue.* Sept. 6, Nov. 1, 1924.

———. Règlement international et opinion allemande. *O. Hesnard.* *Rev. de Paris.* Sept. 15, 1924.

———. The Dawes plan in operation. *Robert McElroy.* *Current Hist.* Oct., 1924.

———. The London conference on the application of the Dawes plan. *George A. Finch.* *Am. Jour. Int. Law.* Oct., 1924.

———. Germany and the allies: (1) French policy and English critics. *C. E. Loseby.* (2) The London agreement. *John R. Remer.* *Nine. Cent.* Oct., 1924.

———. La politique de Londres. *C. J. Gignoux.* *Mercure de France.* Oct. 1, 1924.

———. La durée du travail en Allemagne et les réparations. I. II. \* \* \* *Le Correspondant.* Oct. 25, Nov. 10, 1924.

———. What the Dawes plan will do. *John Maynard Keynes.* The Dawes plan and the peace of Europe. *Beaulieu.* *New Repub.* Oct. 22, Dec. 10, 1924.



- Reparations. The Dawes plan. Cong. Digest. Nov., 1924.
- . La valorisation des dettes allemandes. \* \* \* Rev. Pol. et Parl. Nov., 1924.
- . The evolution of the Dawes reparations plan. *George W. Edwards*. The Dawes plan as the beginning of the solution of the reparations problem. *Alan G. Goldsmith*. Econ. World. Nov. 8, 29, 1924.
- . An international bank and world currency, particularly in its relation to the debt and reparations questions. *Geo. Prescott Montague*. Am. Law Rev. Nov.-Dec., 1924.
- . The reparations problem after London. *Jean Parmentier*. Foreign Affairs. Dec., 1924.
- Rhine. Die rheinischen Separatisten vor 125 Jahren. *Mosellanus*. Deutsche Rundschau. Aug., 1924.
- . L'administration militaire des pays rhénans. II. *L'-C<sup>i</sup> Schweisguth*. Rev. Deux Mondes. Sept. 15, 1924.
- . Le bilan de notre politique rhénane. *Comte Jean de Pange*. Le Correspondant. Oct. 10, 1924.
- Ruhr. The occupation of the Ruhr. *David Hunter Miller*. Yale Law Jour. Nov., 1924.
- Russia. Il trattato anglo-russo. *Giuseppe Colangeli*. Politica. July-Aug.
- . Soviet treaties. "*Augur*." Fort. Rev. Oct., 1924.
- . The soviet and our disgraceful recognition of it. *W. F. Lloyd*. The friends of the soviet: and the policy of the "Nineteenth Century and After." *L. F. Easterbrook*. Nine. Cent. Oct., Nov., 1924.
- . La reconnaissance du gouvernement des soviets. \* \* \* Rev. Pol. et Parl. Nov., 1924.
- . Britain's recognition of soviet Russia. *George A. B. Dewar*. Foreign Affairs. Dec., 1924.
- Saar. Die Verhandlungen über die Saarfrage auf der Pariser Friedenskonferenz. *E. W. Fischer*. Preuss. Jahrbücher. May, 1924.
- Silesia. Quelques notions générales sur l'occupation pacifique. Étude particulière de l'occupation de Haute-Silésie. *L. Cavaré*. Rev. Gén. Droit Int. Pub. Sept.-Oct., 1924.
- State Immunity. Immunity of state ships. *C. R. Dunlop*. Jour. Comp. Legis. and Int. Law. Nov., 1924.
- State Succession. Le changement de souveraineté dans les régions helléniques libérées. Détermination du moment de la cession et de l'état cédant. *C. G. Ténékidès*. Rev. Gén. Droit Int. Pub. May-Aug., 1924.
- Three-Mile Limit. Extraterritorial seizures in times of peace—the recent "rum" treaties. *F. G. K. Mich*. Law Rev. Dec., 1924.
- Vatican. La présence de la France au Vatican. *Georges Goyau*. Rev. Deux Mondes. Sept. 15, 1924.
- . The work of Pope Pius XI as peacemaker. *James H. Ryan*. Current Hist. Oct., 1924.
- . Vatican diplomacy. *Robert Sencourt*. Atlan. M. Dec., 1924.
- War Claims. Private claims under the treaties of Berlin and Versailles. *Borris M. Komar*. Am. Law Rev. Nov.-Dec., 1924.
- War Debts. Comment la Bulgarie paie ses dettes de guerre. *Colonel Lamouche*. Rev. Pol. et Parl. Nov., 1924.

**World Peace.** Verdens-Broderskab<sup>t</sup> Pax. *Walter Christmas.* Gads Danske Mag. July-Aug., 1924.

**World War.** Die russischen Archive und der Weltkrieg. *Charles L. Hartmann.* Deutsche Rundschau. Apr., June, July, Aug., 1924.

———. La grande pitié de nos effectifs de guerre. *G<sup>al</sup>. Serrigny.* Rev. Deux Mondes. Oct. 1, 1924.

———. Les souvenirs d'un éditeur américain. *Walter Page.* Le Correspondant. Oct. 10, 1924.

———. Ex-Kaiser Wilhelm II breaks his silence—authorized presentation of his views today. *George Sylvester Viereck.* Current Hist. Nov., 1924.

———. War guilt and war lies. (*Arbeiter Zeitung*) Liv. Age. Nov. 8, 1924.

## JURISPRUDENCE

### Books

*Cabral de Moncada, Luis.* Elementos de historia de direito romano. Pp. 415. Coïmbres. 1923.

*Cahill, James H.* New York civil practice. Pp. iv + 775. Chicago, Callaghan & Co.

*Callender, Clarence N.* The selection of jurors. Pp. 107. Philadelphia: Univ. of Pennsylvania.

*Cardoza, Benjamin N.* The growth of the law. Yale Univ. Press.

*Colin, Ambrosio, y Capitant, Honorio.* Curso elemental de derecho civil. Tomo III. Pp. 877. Madrid: Ed. Reus.

*Cornil, Georges.* Le droit privé. Pp. xvi + 147. Paris: Giard.

*Crémieu, Louis.* Précis théorique et pratique de procédure civile. Pp. 241. Paris: Société du Recueil Sirey.

*Declareuil, J.* Histoire générale du droit français, des origines à 1789. Pp. 388. Paris: Société du Recueil Sirey.

*Declareuil, J.* Rome et l'organisation de droit. Pp. 480. Paris: La Renaissance du Livre.

*Dutraut-Crozon, Henri.* La justice republicaine. Pp. 150. Paris: Nouvelle Librairie Nationale.

*Martorana, Michele.* La novazione nel diritto civile italiano. Pp. 283. Palermo: O. Fiorenza.

*Meréa, Manuel Paulo.* Estudos de historia do direito. Pp. 257. Coïmbre. 1923.

*Petit, Eugène.* Traité élémentaire de droit romain. Pp. 804. Paris: Rousseau.

*Pillet, A., et Niboyet, J. P.* Manuel de droit international privé. Paris: Société du Recueil Sirey.

*Sarfatti, Mario.* Le obbligazioni nel diritto inglese in rapporto al diritto italiano. Pp. xii + 352. Milan: Francesco Vallardi.

*Schreier, Fritz.* Grundbegriffe und Grundformen des Rechts. Wien: Wiener staatswissenschaftliche Studien.

*Slessor, Sir Henry.* Industrial law. London: Benn.

*Surville.* Cours élémentaire de droit international privé. Pp. 948. Paris: Rousseau.

*Sutherland, Edwin H.* Criminology. Pp. 643. Philadelphia: Lippincott.

*Articles*

**Amnesty.** Nature juridique de la grâce, de l'amnistie, de la grâce amnistiante. *Gaston Jèze*. *Rev. Droit Pub. et Sci. Pol.* July-Sept., 1924.

**Arrest.** Resistance to illegal arrest. *R. M. R.* *Mich. Law Rev.* Nov., 1924.

**Australian Law.** The consolidation of the law in Victoria. *Donald Mackinnon*. *Jour. Comp. Legis. and Int. Law.* Nov., 1924.

**Chinese Law.** Law codification in China. *F. T. Cheng*. *Jour. Comp. Legis. and Int. Law.* Nov., 1924.

**Code Napoléon.** La philosophie du code napoléon appliquée au droit de famille.—Les destinées dans le droit civil contemporain (*suite*). *J. Bonnecase*. *Rev. Gén. Droit, Légis. et Juris.* July-Sept., 1924.

**Common Law.** The origin of the common law. *George Burton Adams*. *Yale Law Jour.* Dec., 1924.

**Conflict of Laws.** Les développements récents du droit international privé en Angleterre. *Hugh H. L. Bellot*. *Jour. Droit Int.* July-Oct., 1924.

———. Analogy in the conflict of laws. *G. H. Crichton*. *Law Quar. Rev.* Oct., 1924.

———. Tort liability and the conflict of laws. *Herbert F. Goodrich*. *Pa. Law Rev.* Nov., 1924.

**Crime.** Relative frequency of crime in urban and rural counties of Arkansas. *A. W. Jamison*. *Southwestern Pol. and Soc. Sci. Quar.* Sept., 1924.

———. Crime and educated emotions. Crime and eugenics. *French Strother*. *World's Work.* Nov., Dec., 1924.

———. The crime complex. *Harry Elmer Barnes*. *Current Hist.* Dec.

**Custom.** The law of custom. *Thomas W. Shelton*. *Va. Law Rev.* Nov., 1924.

**English Law.** William the Conqueror and English law. *Edward J. White*. *Am. Law Rev.* Nov.-Dec., 1924.

———. The new Holdsworth. *Editor*. *Law Quar. Rev.* Oct., 1924.

**Greek Law.** The materials for a study of Greek law. *George Miller Calhoun*. *Calif. Law Rev.* Sept., 1924.

**Hindu Law.** Custom in the Punjab. II. *N. Hancock Prenter*. *Jour. Comp. Legis. and Int. Law.* Nov., 1924.

**Judicial Decision.** The influence of the universities on judicial decision. *Irving Lehman*. *Cornell Law Quar.* Dec., 1924.

**Jury Trial.** Trial by jury. *Harry Elmer Barnes*. *Am. Mercury.* Dec., 1924.

**Law Reform.** Progress in law improvement in the United States. *Harlan F. Stone*. *Am. Bar Assoc. Jour.* Sept., 1924.

**Legal Conceptions.** The restatement of the law. *William Draper Lewis*. *Wis. Law Rev.* Oct., 1924.

———. The foundations of a theory of rights. *Sir Paul Vinogradoff*. *Yale Law Jour.* Nov., 1924.

**Legal Education.** Some phases of American legal education. *Harlan F. Stone*. *Am. Law Rev.* Sept.-Oct., 1924.

———. Legal education in Ontario. *E. R. Cameron*. *Canadian Bar Rev.* Oct., 1924.

**Legal Ethics.** Problems of professional ethics. I. The lawyer's duty to the public—its origin. *Henry Upson Sims*. Am. Bar Assoc. Jour. Nov., 1924.

———. Legal standards and ideals. *Sir Paul Vinogradoff*. Mich. Law Rev. Nov., 1924.

**Logical Method.** Logical method and law. *John Dewey*. Cornell Law Quar. Dec., 1924.

**Precedent.** The law as precedent, prophecy, and principle: state decisions in federal courts. *Frederick Green*. Ill. Law Rev. Dec., 1924.

**Procedure.** Les modifications apportées au code local de procédure civile, depuis l'armistice, dans son pays d'origine. *M. Mulheisen*. Bull. Mens. Légis. Comp. July-Sept., 1924.

———. The recent reforms in German civil procedure. *Robert Wyness Millar*. Am. Bar Assoc. Jour. Oct., 1924.

———. The heel of Achilles. *George Palmer Garrett*. Va. Law Rev. Nov.

———. The simplification of civil practice in New York. III. IV. *Jay Leo Rothschild*. Columbia Law Rev. Nov., Dec., 1924.

———. Actions at law in the federal courts. *Austin W. Scott*. Harvard Law Rev. Nov., 1924.

———. Federal procedure: admiralty. *Arthur M. Brown*. Boston Univ. Law Rev. Nov., 1924.

———. The federal uniform procedure bill. *E. B. S.* Mich. Law Rev. Dec., 1924.

**Public Law.** Some problems of public law. II. *Sir Paul Vinogradoff*. Calif. Law Rev. Sept., 1924.

**Responsibility.** Études sur la responsabilité civile (*suite*). *J. Crouzel*. Rev. Gén. Droit, Légis. et Juris. July-Sept., 1924.

**Roman Law.** Fundamental concepts of the Roman law. II. III. *Max Radin*. Calif. Law Rev. Sept., Nov., 1924.

**Rule of Reason.** Learned and unlearned reason. *Carleton Kemp Allen*. Jurid. Rev. Sept., 1924.]

## LOCAL GOVERNMENT

### Books

*Akagi, Roy Hidemichi*. The town proprietors of the New England colonies. Appleton.

*Brassaud, P. A.* La réforme des finances locales. Pp. 188. Paris: Berger-Levrault.

*Bunge, Fernando*. El gobierno de las comunas. Pp. 67. Buenos Aires: J. Lajouane y C.<sup>a</sup>

*Cannon, Lucius H.* Smoke abatement. A study of the police power as embodied in laws, ordinances and court decisions. Pp. 320. St. Louis: Mun. Ref. Library.

*Carpentier, E.* Code metropolitain de l'expropriation pour cause d'utilité publique. Pp. 158. Paris: Société du Recueil Sirey.

*Crew, Albert*. Rates and rating. Pp. xvi + 310. London: Pitman.

*Lanchester, H. V.* Talks on town planning. London: Cape.

*MacDonald, E. F.* Municipal accounting. Philadelphia: Bennett Accountancy Institute.

Municipal street cleaning in Philadelphia. Pp. 109. Philadelphia: Bureau of Mun. Research.

*Rexford, Frank A.*, ed. Our city—New York. Pp. xxv + 400. N. Y.: Allyn & Bacon.

The 1924 municipal index—a yearbook for municipal officials. Pp. 400. N. Y.: Am. City Mag.

*Thomas, A. H.*, ed. Calendar of early mayor's court rolls, A.D. 1298-1307. Pp. 349. Macmillan.

*Townroe, B. S.* A handbook of housing: how to meet the problem. Pp. xii + 178. London: Methuen.

*Upson, Lent D.*, ed. The government of Cincinnati and Hamilton county. Pp. 535. Cincinnati: City Survey Committee.

#### Articles

Belgium. The government of Belgian municipalities. *Thomas Harrison Reed*. Am. City. Nov., 1924.

Cincinnati. Politics and poverty in Cincinnati. *Lent D. Upson*. Why a new government was proposed for Cincinnati. *Walter J. Millard*. Nat. Mun. Rev. Oct., Nov., 1924.

City Council. Our city councils; III. Denver—the lengthened shadow of the mayor. *Don C. Sowers*. Nat. Mun. Rev. Oct., 1924.

City-County Consolidation. St. Louis outgrows present boundaries. *Hugh K. Wagner*. The San Francisco board of supervisors and consolidated government. *William H. Nanry*. Nat. Mun. Rev. Nov., 1924.

City Engineering. The essentials of an efficient city engineering department. *W. E. Weller*. Am. City. Oct., 1924.

City Manager. City manager charters analyzed. I. II. *Wylie Kilpatrick*. Am. City. Oct., Nov., 1924.

———. The qualifications of a city manager. *Harry W. Hepner*. Knoxville's first year under city manager government. *Arthur B. Ganoe*. Centralized purchasing in city manager municipalities. *Russell Forbes*. Why there should be an assistant city manager. *C. W. Koerner*. Nat. Mun. Rev. Oct., Nov., Dec., 1924.

———. City manager government in American municipalities. *H. W. Dodds*. Jour. Comp. Legis. and Int. Law. Nov., 1924.

City Planning. Fields of progressive legislation for better city planning. *Edward M. Bassett*. Am. City. Dec., 1924.

Coroner. Why the coroner system has broken down. *Alexander O. Gettler*. Nat. Mun. Rev. Oct., 1924.

County Board. The county board in Missouri. *A. B. Butts*. The county board in Minnesota. *R. M. Goddard*. Nat. Mun. Rev. Oct., Dec., 1924.

Education. A five-year school-building program. *John Elliott Wood*. Am. City. Nov., 1924.

English Local Administration. The employment and organization of committees in local government administration. *C. Hammond Etherton*. Local and central authorities in the development and maintenance of roads. *Sir Henry P. Maybury*. Jour. Pub. Admin. Oct., 1924.

**Home Rule.** Municipal home rule in Minnesota: a proposed amendment to the state constitution. *William Anderson*. League of Minn. Municipalities, Publication No. 2.

**Housing.** Public regulation of plumbing in dwellings. *Subcommittee on Plumbing, U. S. Dept. of Commerce*. Am. City. Nov., 1924.

**Juvenile Court.** The juvenile court in New York. *Case and Comment Editor*. Yale Law Jour. Dec., 1924.

**Licenses.** Licensing transient merchants and peddlers: a model ordinance *Ambrose Fuller*. League of Minn. Municipalities, Publication No. 4.

**Municipal Courts.** Simplified procedure in municipal courts. *R. S. Saby*. Am. Pol. Sci. Rev. Nov., 1924.

**Municipal Debts.** The rapidly increasing indebtedness of American cities and the purposes for which it was incurred. *William P. Helm, Jr.* Econ. World. Nov. 15, 1924.

**Paving Organization.** General organization of city paving departments. *J. H. Neeson, C. M. Pinckney, and others*. Am. City. Dec., 1924.

**Recall.** Recall election of Denver mayor. *Don C. Sowers*. Nat. Mun. Rev. Nov., 1924.

**Special Assessments.** The Illinois special assessment law. *Alden H. Little*. Ill. Mun. Rev. Nov.-Dec., 1924.

**Street Railways.** A municipal tramways department. *James Dalrymple*. Jour. Pub. Admin. Oct., 1924.

**Taxation.** The comparative tax rates of 184 cities, 1924. *C. E. Rightor*. Nat. Mun. Rev. Dec., 1924.

**Traffic Problem.** Protecting the pedestrian. *Robert B. Fentress*. How modern traffic and the city plan affect distribution of paving costs. *W. W. Horner*. Nat. Mun. Rev. Oct., Nov., 1924.

**Zoning.** A year of zoning in Providence. *Charles F. Fisher*. Am. City. Nov., 1924.

———. Present status of zoning in Missouri. *Harland Bartholomew*. Nat. Mun. Rev. Dec., 1924.

## POLITICAL THEORY AND MISCELLANEOUS

### Books

*Beer, M.* The life and teaching of Karl Marx. Boston: Small, Maynard.

*Beer, M.* Social struggles and socialist forerunners. (Translated by H. J. Stenning.) Pp. 224. London: Parsons.

*Bilton, Ernest.* Taxation and currency. London: C. W. Daniel Co.

*Bollihs, William.* Leviathan. Harper's.

*Bowman, Isaiah.* Supplement to the new world, problems in political geography. Pp. 112. N. Y.: World Book Co.

*Brown, Harry Gunnison.* The economics of taxation. Holt.

*Buchan, John.* Lord Minto. A memoir. Pp. xviii + 352. London: Nelson.

*Buller, Nicholas Murray.* The faith of a liberal. Scribner's.

*Chevallier, Jacques.* L'instruction de service et le recours pour excès de pouvoir. Pp. 344. Nancy: Imp. Nancéienne.

- Chirol, Sir Valentine.* The occident and the orient. Univ. of Chicago Press.
- Delevsky, J.* Antagonismes sociaux et antagonismes prolétariens. Pp. 574. Paris: Giard.
- Dendy, Arthur.* The biological foundations of society. London: Constable.
- Dunlap, James E.* The office of the grand chamberlain in the later Roman and Byzantine empires. Macmillan.
- Giraud, Emile.* La crise de la démocratie. Pp. 240. Paris: Giard.
- Guyho, Corentin.* Étude constitutionnelle. Parlementarisme et république. Paris: Giard.
- Haymann, Franz.* Weltbürgertum und Vaterlandsliebe in der Staatslehre Rousseaus und Fichtes. Pp. 110. Berlin: Pan-Verlag Rolf Heise.
- Huddleston, Sisley.* Those Europeans: studies of foreign faces. Putnam's.
- Joussain, André.* Romantisme et politique. Pp. 290. Paris: Bossard.
- King, Clyde L., ed.* The automobile: its province and its problems. Pp. vii + 279. Annals Am. Acad. Nov., 1924.
- King-Hall, Stephen.* Western civilization and the far east. Pp. xxv + 385. London: Methuen.
- Laski, Harold J.* A defense of liberty against tyrants: a translation of the *Vindiciae contra tyrannos* by Junius Brutus, with an historical introduction. Pp. 229. London: Bell.
- Lennox, Richmond.* Edmund Burke und sein politisches Arbeitsfeld in den Jahren 1760 bis 1790. Pp. xvi + 300. Berlin: Oldenbourg. 1923.
- Léon, X.* Fichte et son temps: T. II. Pp. vi + 533. Paris: Colin.
- Longnon, Jean, ed.* A king's lessons in statecraft: Louis XIV: Letters to his heirs. (Translated by Herbert Wilson.) London: T. F. Unwin.
- Lutz, Harley L.* Public finance. Appleton.
- MacDonald, J. Ramsay.* Socialism: critical and constructive. (New ed.) Pp. xii + 276. London: Cassell.
- Miller, Herbert Adolphus.* Races, nations and classes. The psychology of dominion and freedom. Philadelphia: Lippincott.
- Morris, G. W., and Wood, L. S.* The English-speaking nations: a study in the development of the commonwealth ideal. London: Oxford Univ. Press.
- Neff, E.* Carlyle and Mill. Pp. vii + 334. Columbia Univ. Press.
- O'Brien, William.* Edmund Burke as an Irishman. Pp. xiv + 317. Dublin: M. H. Gill.
- Parsons, Philip Archibald.* An introduction to modern social problems. Pp. 290. Knopf.
- Rapport, Ch.* Jean Jaurès, l'homme, le penseur, le socialiste. Pp. 400. Paris: Rivière.
- Rignano, Eugenio.* The social significance of the inheritance tax. Knopf.
- Seignobos, Charles.* Histoire politique de l'Europe contemporaine: évolution des partis et des formes politiques (1814-1914). T. 1<sup>re</sup>. Pp. xiv + 536. Paris: Colin.
- Shirras, G. Findlay.* The science of public finance. Macmillan.
- Sirdar Ali Khan, Syed.* Earl of Reading: a sketch of a great career at the bar, on the bench, in diplomacy in India. Pp. vii + 404. London: Pitman.
- Small, A. W.* Origins of sociology. Pp. 366. Univ. of Chicago Press.
- Smillie, Robert.* My life for labour. London: Mills & Boon.

- Sorokin, P.* The sociology of revolution. Philadelphia: Lippincott.
- Stalin, J.* Lenin und der leninismus. Pp. ix + 164. Wien: Verlag für Literatur u. Politik.
- Stalin, J.* Le léninisme théorique et pratique. Paris: Libr. de l'Humanité.
- Steed, Henry Wickham.* Through thirty years. 2 vols. Doubleday, Page.
- Sternberg, Kurt.* Moderne Gedanken über Staat und Erziehung bei Plato. Berlin: Walther Rothschild.
- Suchomlinov, General.* Erinnerungen. Berlin: Hobbing.
- Swanwick, H. M.* Builders of peace. Being ten years' history of the union of democratic control. Pp. 191. London: Swarthmore Press.
- Tirpitz, A. von.* Politische Dokumente. Pp. 460. Stuttgart u. Berlin: J. G. Cotta'sche Buchhandlung Nachfolger.
- Townshend, E.* Creative socialism. Pp. xi + 148. London: Dent.
- Vaussard, M.* Enquête sur le nationalisme. Pp. 415. Paris: Spès.
- Wilde, Norman.* The ethical basis of the state. Pp. 227. Princeton Univ. Press.

## Articles

- Administration.** Methods by which the administration influences the legislature. *F. F. Blachly* and *Miriam E. Oatman.* Southwestern Pol. and Soc. Sci. Quar. Sept., 1924.
- Americanism.** Our professional patriots. VI. VII. VIII. *Sidney Howard.* New Repub. Oct. 1, 8, 15, 1924.
- . Americanism: selective or sentimental. *Glenn Frank.* Century. Nov., 1924.
- . Patriotism that pays. *Will Irwin.* Nation. Nov. 12, 1924.
- Church and State.** Premiers rapports de l'imprimerie avec l'église et les pouvoirs publics. *Georges Renard.* Rev. Int. Sociol. Sept.-Oct., 1924.
- . The civil constitution of the clergy. *J. J. Dwyer.* Dublin Rev. Oct.-Dec., 1924.
- Democracy.** 'Things are in the saddle.' *Samuel Strauss.* Atlan. M. Nov.
- . The despair of democracy. *G. A. Studdert Kennedy.* Forum. Nov.
- Discretionary Power.** Étude sur la notion du pouvoir discrétionnaire (*suite et fin*). *Émile Giraud.* Rev. Gén. d'Admin. July-Aug., 1924.
- Fascism.** Mussolini and Machiavelli. *G. M. Godden.* Fort. Rev. Oct.
- . Le mysticisme et l'esprit révolutionnaire du fascisme. *Raoul de Nolva.* Mercure de France. Nov. 1, 1924.
- Internationalism.** International problems and political philosophy. *C. Delisle Burns.* Contemp. Rev. Oct., 1924.
- Kant.** Kant and the unity of mankind. *F. S. Marvin.* Contemp. Rev. Oct., 1924.
- . Immanuel Kant, 1724-1804. *M. C. D'Arcy.* Dublin Rev. Oct.-Dec., 1924.
- Lamartine.** Les idées sociales de Lamartine. *Daniel Guérin.* Rev. Sci. Pol. July-Sept., 1924.
- Liberty.** The font of liberty. *William P. Gest.* Atlan. M. Oct., 1924.
- . The origin of free institutions. *Cecilio Bdez.* Inter-America. Oct.



**Magna Charta.** Some light on magna Carta. *William Renwick Riddell*. Am. Bar Assoc. Jour. Nov., 1924.

**Mercantilism.** Mercantilism as a factor in Richelieu's policy of national interests. *Franklin C. Palm*. Pol. Sci. Quar. Dec., 1924.

**Paternalism.** "Hands off!" *Hanford Henderson*. N. Am. Rev. Dec., 1924.

**Patriotism.** The true test of patriotic literature. *E. M. Greeves-Carpenter*. Catholic World. Oct., 1924.

**Politics.** Science and politics. *J. B. S. Haldane*. New Repub. Dec. 3, 1924.

**Price-Fixing.** Government price-fixing. *U. P. Lee*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1924.

———. Prices and profiteers. *W. T. Foster and Waddill Catchings*. Yale Rev. Jan., 1925.

**Progressivism.** The outlook for progressivism in politics. *Herbert Croly*. New Repub. Dec. 10, 1924.

**Socialism.** Zur Charakteristik des Sozialismus. *Victor Cathrein*. Archiv Rechts- u. Wirtschaftsphilosophie. XVIII. Band. Heft 1.

———. Les idées et les faits sociaux. *Max Turmann*. Le Correspondant. Oct. 25, 1924.

**Sociology.** Some contributions to the history of sociology. XVIII. XIX. *Albion W. Small*. Am. Jour. Sociol. Nov., 1924.

**Theory of the State.** Stirb und werde! Staatsvergottung, Übermenschentum und deutsche Staatsidee. *Eugen Meyer*. Deutsche Rundschau. July, 1924.

———. Der Aufbau des Staates. *Georg Lenz*. Archiv Öffent. Rechts. No. 2, 1924.

———. The juridical nature of the state. *Sir Paul Vinogradoff*. Mich. Law Rev. Dec., 1924.

**Voltaire.** Les étapes du XVIII<sup>e</sup> siècle. II. Voltaire et les encyclopédistes. *Victor Giraud*. Rev. Deux Mondes. Oct. 15, 1924.

**World Conditions.** 1914-1924: The world transformed. *Carlton J. H. Hayes*. Current Hist. Dec., 1924.

## GOVERNMENT PUBLICATIONS

MILES O. PRICE

*United States Patent Office*

### AMERICAN

#### UNITED STATES

*Civil service commission.* Civil service act and rules, statutes, executive orders, and regulations, with notes and legal decisions; amended to Sept. 1, 1924. Washington: Govt. Ptg. Off., 1924. 127 p.

———. Civil service. Miscellaneous information. August, 1924. Washington: Govt. Ptg. Off., 1924. 8 p.

*Commerce department.* Government ownership, address by Herbert Hoover, Secretary of commerce, delivered in Washington, D. C., Sept. 29, 1924. Washington: Govt. Ptg. Off., 1924. 16 p.

*House of Representatives.* Employers' liability laws. Washington: Govt. Ptg. Off., 1924. 25 p.

———. *Education committee.* Hearings on H. R. 3923, to create department of education. . . . Washington: Govt. Ptg. Off., 1924. 763 p.

———. *Foreign affairs committee.* Hearings on H. J. Res. 195, authorizing appropriation for participation of United States in two international conferences for control of traffic in habit-forming narcotic drugs, Feb. 21, 1924; statement of attitude of Government of United States with documents relating thereto. Washington: Govt. Ptg. Off., 1924. 319 p. (H. doc. 380, 68th Cong. 1st sess.)

*Government Printing Office. Documents Office.* Immigration, naturalization, citizenship, Chinese, Japanese, negroes, and aliens, list of publications for sale by superintendent of documents, Aug., 1924. Washington: Govt. Ptg. Off., 1924. 11 p. (Price list 67, 8th edition.)

*Labor department. Children's bureau.* Child labor in the United States, 10 questions answered. 3d edition. Sept., 1924. Washington: Govt. Ptg. Off., 1924. 36 p.

———. Laws relating to interstate placement of dependent children. Washington: Govt. Ptg. Off., 1924. 32 p. (Bureau publication 139.)

———. Results of Minnesota's laws for protection of children born out of wedlock; (by) Mildred Dennett Mudgett. Washington: Govt. Ptg. Off., 1924. P. 181-236.

*Library of Congress. Manuscripts division.* Manuscripts in public and private collections in United States. Washington: Govt. Ptg. Off., 1924. 98 p. (New and enlarged edition of Check list of collections of personal papers in historical societies, university and public libraries, and other learned institutions in United States, issued in 1918.)

*Navy department.* Acts and resolutions relating chiefly to the navy, navy department, and marine corps, passed at 1st session, 68th Congress, 1923-24. Washington: Govt. Ptg. Off., 1924. 129 p.

*Panama Canal, Executive department.* Supplement 4 to Treaties and acts of Congress relating to Panama Canal. Balboa Heights, C. Z. October 14, 1924. P. 297-306.

*President.* Executive order, inspection of income-tax returns. September 27, 1924. Washington: Govt. Ptg. Off., 1924. 1 p.

Ordering that certain income tax returns shall be open to inspection in accordance and upon compliance with rules and regulations prescribed by Secretary of treasury and approved by the President.

*State department.* Electors for President and Vice President. (Act approved Feb. 3, 1887, and act supplementary thereto approved Oct. 19, 1888.) Washington: Govt. Ptg. Off., 1924. 4 p.

———. Treaty between United States and Lithuania, extradition; signed Kaunas, Apr. 9, 1924, proclaimed Sept. 29, 1924. Washington: Govt. Ptg. Off., 1924. 6 p. (Treaty series 699.)

———. Report of delegates of United States to fifth International conference of American states held at Santiago, Chile, Mar. 25-May 3, 1923, with appendices. Washington: Govt. Ptg. Off., 1924. 236 p.

———. Convention between United States and Germany, prevention of smuggling of intoxicating liquors; signed Washington, May 19, 1924, proclaimed Aug. 11, 1924. Washington: Govt. Ptg. Off., 1924. 7 p. (Treaty series 694.)

*State department.* Convention between United States and Sweden, prevention of smuggling of intoxicating liquors; signed Washington, May 22, 1924, proclaimed Aug. 18, 1924. Washington: Govt. Ptg. Off., 1924. 6 p. (Treaty series 698.)

———. Convention between United States and France, rights in Syria and the Lebanon; signed Paris, Apr. 4, 1924, proclaimed Aug. 13, 1924. Washington: Govt. Ptg. Off., 1924. 12 p. (Treaty series 695.)

———. Agreement effected by exchange of notes between United States and Czecho Slovakia according mutual unconditional most-favored nation treatment in customs matters; signed (Prague) Oct. 29, 1923. Washington: Govt. Ptg. Off., 1924. 2 p. (Treaty series 673 A.)

———. Agreement effected by exchange of notes between United States and Guatemala according mutual unconditional most-favored-nation treatment in customs matters; signed (Washington) August 14, 1924. Washington: Govt. Ptg. Off., 1924. 3 p. (Treaty series 696.)

#### ALABAMA

*Code commissioner.* The code of Alabama adopted by Act of Legislature of Alabama approved August 17, 1923, . . . with such statutes passed at the session of 1923 as are required to be incorporated herein by act approved August 17, 1923, (Acts 1923, page 127); and with citations to decisions of the supreme court of the state construing or mentioning the statutes; and references to all former Acts of the Legislature, and to all former codes, digests, and compilations of statutes, showing the origin, history and translation of the statutes. In four volumes . . . Prepared by James J. Mayfield, code commissioner. Atlanta, 1923. 4 v. v. 1. Political. v. 2. Criminal. v. 3. Civil. v. 4. Civil.

#### ALASKA

*Department of education.* Historical sketch of Alaska, with brief outline of resources and civil government. Issued by Lester D. Henderson, commissioner of education. Juneau, 1923. 39 p.

*Governor.* Alaska. Outline of its history and a summary of its resources. Juneau, 1924. 48 p.

#### ARIZONA

*Board of health.* Public health laws of the state of Arizona. . . . Phoenix, 1924. 71 p.

*Bureau of mines.* Mining code of the state of Arizona. Phoenix, 1923. 48 p.

*Secretary of state.* Election laws, state of Arizona . . . 1913 revised statutes as amended 1924. . . . Containing revisions of all session laws, including 1923. Phoenix, 1924. 112 p.

#### CALIFORNIA

*Secretary of state.* California blue book, legislative manual or state roster, April, 1924. . . . Sacramento, 1924. 491 p.

## CONNECTICUT

*Secretary of state.* Register and manual, 1924. . . . Hartford, 1924. 695 p.

## HAWAII

*University of Hawaii.* Occasional papers no. 2, July 2, 1924. Cabinet government in Hawaii, 1887-1893, by T. M. Spaulding. 22 p.

## ILLINOIS

*University of Illinois.* Studies in the Social Sciences. Urbana, 1924. v. 10, no. 1. A study of "monarchical" tendencies in the United States, from 1776 to 1801, by L. B. Dunbar. 164 p. v. 10, nos. 3-4. Workmen's representation in industrial government, by E. J. Miller. 182 p.

## IOWA

*University of Iowa. Extension division.* Bulletin no. 102. Aids for history teachers. V. English and American history. 15 p.

## LOUISIANA

*House of representatives.* Rules of order of the house of representatives of the state of Louisiana, 1924, to which are annexed the rules governing the legislature of Louisiana in joint session. Table of rules relating to motions. Baton Rouge, 1924. 32 p.

## MASSACHUSETTS

*Special commission on unemployment, unemployment compensation, and the minimum wage.* Report. Boston, 1923. 78 p.

## MICHIGAN

*Auditor-general's office.* General tax law of 1893 as amended. Edition of 1923. Annotations and citations from Michigan reports, other sources, references to statutes affecting the administration of the tax law. . . . Lansing, 1924. 318 p.

*University of Michigan.* University of Michigan studies. Humanistic series, v. 14, Lansing, 1924. 324 p. v. 14. Two studies in later Roman and Byzantine administration, by A. E. R. Boak . . . and J. E. Dunlap. Pt. 1. The master of the offices in the later Roman and Byzantine empires. Pt. 2. The office of the grand chamberlain in the later Roman and Byzantine empires.

## MINNESOTA

*Historical society.* A history of Minnesota, by William Watts Folwell. . . . Volume 2. St. Paul, 1924. 477 p.

*Bureau of research in government.* Publication no. 3. St. Paul, 1924. 311 p. no. 3. The constitution of Minnesota annotated, by H. F. Kumm.

## NEBRASKA

*Legislative reference bureau.* Bulletin no. 14. Lincoln, 1924. 60 p. Nebraska voters' handbook, compiled by the staff of the Nebraska legislative reference bureau.

## NEW JERSEY

*Secretary of state.* An act to regulate elections (revision 1920), passed May 5, 1920, with the amendments and supplements thereof, and other acts concerning elections to the end of the legislative session of 1924. . . . Trenton, 1924. 380 p.

## NEW YORK

*Secretary of state.* Manual for the use of the legislature of the state of New York, 1924. . . . Albany, 1924. 1132 p.

## OREGON

*Department of education.* Program for Constitution week, September 15-20, 1924. Suggestions regarding the teaching of the constitution of the United States. . . . Salem, 1924. 15 p.

## NORTH CAROLINA

*State auditor.* Plan of reorganization of state departments, boards and commissions. 260 p. Raleigh. Mitchell Ptg. Co.

## RHODE ISLAND

*Department of education.* Observance of Constitution day in the public schools of Rhode Island, September 18, 1924. Providence, 1924. 8 p.

## VIRGINIA

*Legislative reference bureau.* Virginia statutes of 1924. An address by C. H. Morrisett, director of the state legislative reference bureau, before the Virginia State Bar Association, Winchester, July 3, 1924. Richmond, 1924. 67 p.

## WEST VIRGINIA

*Governor.* Constitution of the United States and the state constitution of West Virginia, with the Declaration of Independence. Charleston, 1924. 62 p.

*Labor bureau.* Labor laws of West Virginia. . . . Charleston, 1924. 176 p.

*Secretary of state.* General election laws of West Virginia, 1924. . . . Charleston, 1924. 100 p.

## WISCONSIN

*Secretary of state.* Election laws of Wisconsin of 1923 with forms. Madison, 1923. 215 p.

*Tax commission.* Bulletin no. 21, July, 1924. Madison, 1924. 4 p.

*University of Wisconsin. Municipal information bureau.* Information reports. Madison, 1924. Mimeographed. no. 36. Women officials in Wisconsin municipalities . . . by G. D. West. 15 p. no. 38. Salaries of city officials in Wisconsin, 1924. . . . 11 p.

## FOREIGN

## BELGIUM

*Ministre des colonies.* Rapport sur l'administration belge du Ruanda-Urundi; présenté aux chambre . . . des Représentants. . . . Bruxelles, 1924. 40 p.

## CAPE OF GOOD HOPE

*Archives.* Administration of the Cape of Good Hope, 1652-1834 . . . by G. Graham Bortha, chief archivist of the Union. Cape Town, 1924. 6 p.

## CHILE

Arbitraje Chileno-Peruano. Anexos del contra-alegado de la República de Chile, presentado al Presidente de las Estados Unidos como árbitro en conformidad con las estipulaciones del protocolo y acta complementaria convenidos entre Chile y Peru. . . . Washington, 1924. 848 p.

## CHINA

*Constitution.* Constitution of the Republic of China. English translation, with Chinese text. Peking, 1924. 34, 16 p.

## DOMINICAN REPUBLIC

*Delegacion en la V. conferencia internacional Americana.* Memoria . . . a la Secretaría de estado de relaciones exteriores de la República. Santo Domingo: Garcia, 1924. 103 p.

## ESTHONIA

*Legation, U. S.* Bulletin. October 1, 1924. Washington, 1924. 10 leaves, autographed from typewritten copy. (Treats of trade of Esthonia, changes in customs tariff . . . exchange of gold franc, new shipping laws passed. . . .)

## GERMANY

*Statistisches reichsamt.* Germany's economic and financial situation; an exhibit of after effects of the World War. Berlin, Zentralverlag G. m. b. H., 1923. 60 p.

## GREAT BRITAIN

*Colonial office.* British oversea settlement delegation to Australia; report . . . from the delegation appointed to enquire into conditions affecting British settlers in Australia. London: H. M. S. O., 1924. 124 p. Cmd. 2132.

———. New Zealand. 1924. 48 p. Cmd. 2167.

———. Oros j npimdaru. extracts from Parliamentary debates, command papers, etc., relevant to questions arising out of Art. XII of the Articles of agreement for a treaty between Great Britain and Ireland dated 6th December 1921. Presented . . . Sept. 1924. London: H. M. S. O., 1924. 54 p. Cmd. 2264.

———. Correspondence with the Canadian government on the subject of the peace settlement with Turkey. London: H. M. S. O., 1924. 11 p. Cmd. 2146.

*Foreign office.* Agreements concluded between (1) the allied governments and the German government concerning the agreement of August 9, 1924, between the German government and the Reparations commission; (2) the allied government and the German government to carry out the Experts' plan of April 9, 1924; (3) the Inter-allied agreement to carry out the Experts' plan of April 9, 1924; and (4) the agreement between the Governments represented on the Reparations commission to modify Annex 11 to Part VIII of the Treaty of Versailles. Signed at London, August 30, 1924. London: H. M. S. O., 1924. 39 p. Cmd. 2259.

———. Convention and statute on the international régime of maritime ports and protocol of signature. Geneva, Dec. 9, 1923. (Ratification has not yet been effected.) London: H. M. S. O., 1924. 13 p. Cmd. 2141.

———. Same, Railways. Geneva, December 9, 1923. London: H. M. S. O., 1924. 17 p. Cmd. 2142.

———. Convention between the British empire, France, Italy, Japan, and Lithuania, respecting the Memel territory. Signed at Paris, May 8, 1924. London: H. M. S. O., 1924. 16 p. Cmd. 2235.

———. Convention regarding the organization and the statute of the Tangier zone. Signed at Paris, Dec. 18, 1923. London: H. M. S. O., 1924. 72 p. Cmd. 2203.

———. France, no. 1. (1924) Papers respecting negotiations for an Anglo-French pact. London: H. M. S. O., 1924. 175 p. Cmd. 2169.

———. Franco-British memorandum of July 9, 1924, concerning the application of the Dawes plan. London: H. M. S. O., 1924. 5 p. Cmd. 2191.

———. The correspondence between H. M. government and the government of the United States of America respecting the appointment of an Irish Free State minister plenipotentiary to Washington. Lond.: H. M. S. O., 1924. 3 p. Cmd. 2202.

———. Despatch from the First British delegate to the International Commission for the revision of the rules of warfare, together with the general report of the Commission of jurists to consider and report upon the revision of the rules of warfare. The Hague, Dec. 10, 1922–Feb. 17, 1923. London: H. M. S. O., 1924. 60 p. Cmd. 2201.

———. Correspondence respecting the withdrawal of Mr. H. A. C. Cummings from Mexico. . . . London: H. M. S. O., 1924. 40 p. Cmd. 2225.

———. General treaty between Great Britain and Northern Ireland and the

Union of Soviet Socialist Republics. Signed at London, Aug. 8, 1924. (Ratification has not yet been effected.) Lond.: H. M. S. O., 1924. 14 p. Cmd. 2260.

*Foreign office.* Minutes of the London conference on reparations. . . . Aug., 1922. Lond.: H. M. S. O., 1924. 111 p. Cmd. 2258.

———. Proceedings of the London reparation conference, July and August, 1924. Lond.: H. M. S. O., 1924. 361 p. Cmd. 2270.

———. Protocols of amendments to Art 16 of the Covenant of the League of Nations, adopted by the Second Assembly of the League of Nations. . . . Oct. 4, 1921. (British ratification deposited Aug. 12, 1924.) Lond.: H. M. S. O., 1924. 8 p. Cmd. 2241.

*Parliament.* Correspondence between H. M. Government and the Governments of the Irish Free State and Northern Ireland relating to Art. 12 of the articles of agreement and treaty of Great Britain and Ireland. Lond.: H. M. S. O., 1924. 24 p. Cmd. 2155.

#### GREECE

*Ministère des affaires étrangères.* Documents diplomatiques; Différend italo-grec . . . (affaire Kakavia). Athens, 1923. 128 p.

#### ITALY

*Ministero della finanze.* Fascist financial policy. Rome, Stabilimento poligrafico pel'amministrazione dello stato. 1924. 32 p.

#### NORTHERN IRELAND

The Belfast gazette. Published by authority. 1921-2—Belfast, 1923. 2. (The official gazette of Northern Ireland.)

### INTERNATIONAL

#### LEAGUE OF NATIONS

Foundation of an International institute for the unification of private law (offer of the Italian government.) Geneva, Sept. 30, 1924. 2 p. A 134 1924 V.

Proposals of the British government for the amendment of Art. 16 of the Covenant. Geneva, 1924. 3 p. A 108 1924 V.

Reduction of armaments; limitation of naval armaments; replies from governments. Geneva, 1924. 11 p. A 36 1924 IX Sept. 1.

Limitation of national expenditures on armaments. Geneva, 1924. 7 p. A 40 1924 IX Sept. 4.

The question of slavery; memorandum by the secretary-general. Geneva, 1924. 25 p. A 25 1924 VI.

Slavery: Letters from the British government . . . showing the situation . . . in the British colonies. . . . Geneva, 1924. 12 p. A 25 1924 VI.

Treaty of mutual assistance. . . . Geneva, 1924. 39 p. A 35 1924 IX, Sept. 1.



*Fifth assembly.* Agenda of the fifth session of the Assembly, and supplementary list of items. Geneva, 1924. 8 p. A 31 1924.

———. Allocation of the expenses of the League. Geneva, 1924. 2 p. A 14 1924 II.

———. Financial reorganization of Austria; report of the second committee. Geneva, 1924. 3 p. A 90 1924 II, Sept. 20. Same . . . with the previous relevant documents. Geneva, 1924. 16 p. Sept. 19.

———. Reconstruction of Hungary. Geneva, 1924. 3 p. A 58 1924 II. Sept. 11.

———. International loan for Greek refugees and other work of the financial committee. . . . Geneva, 1924. 2 p. A 111 1924 II. Same. Report. 4 p. Sept. 22, 1924.

———. The Iraq frontier; thirty-first session of the Council, October 1924. Geneva, 1924. Pp. 220-246.

———. Protocol for the pacific settlement of international disputes. . . . October, 1924. Geneva, 1924. 35 p.

*Advisory committee on traffic in opium and other dangerous drugs.* Report of the Council on the work of the sixth session. Aug. 4 to 14, 1924. Geneva, 1924. 23 p. A 32 1924 XI.

*Committee on intellectual cooperation* . . . 3d and 4th sessions. Report . . . submitted to the council and the Assembly. Geneva, August 14, 1924. 34 p. A 31 1924 XII.

*Intermunicipality.* Report of the fifth committee to the Assembly. Geneva, Sept. 18, 1924. 2 p. A 74 1924. IV.

*Permanent court of international justice.* Treaty of Neuilly, Art. 179, Annex, paragraph 4. Leyden, September 12, 1924. 10 p. (Collection of judgments, Ser. A, no. 3.)

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## BRITISH POLICY AND THE BALANCE OF POWER<sup>1</sup>

SIR ESME HOWARD

Among other curious legends about the Balance of Power which were assiduously circulated by German propagandist writers during the war and even before, and have since been repeated in that part of the Socialist press which takes its inspiration from Moscow, I have noticed a tendency which has spread even to reasonable Liberal papers—with a strong pacifist colour—to ascribe the origin and the birth of this doctrine to the machiavellian policy of British statesmen. Many times have I read denunciations of England on the ground that she created this doctrine, to which are set down the innumerable miseries which Europe has suffered since the sixteenth century.

Now the fact of course is that it is not an English doctrine at all, although it became for quite obvious reasons, which were inevitable, a corner-stone of English policy, unconsciously during the sixteenth, subconsciously during the seventeenth, and consciously during the eighteenth, nineteenth and twentieth centuries, because for England it represented the only plan of preserving her own independence, political and economic. It matters little when the doctrine was actually first formulated—I had doubts about that and, therefore, I confess without shame, having no pretensions to learning, I betook myself to the En-

<sup>1</sup> Address before the American Political Science Association, December 29, 1924.

cyclopaedia Britannica and there found that it was first given definite shape as a doctrine by Grotius and afterwards became a current part of the equipment of every European statesman. The reason for this is obvious; so obvious indeed that one cannot but laugh aloud when learned writers of Teutonic and Muscovite origin seek to prove that it was invented by England for her own fell purposes and dark designs. In the words of the Encyclopaedia Britannica, which I quote because I cannot better them, the Balance of Power "is such a just equilibrium between nations as should prevent anyone of them from becoming sufficiently strong to enforce its will upon the rest." It is "in its essence no more than a precept of common sense born of experience and the instinct of self preservation."

The grand ideal of the Holy Roman Empire—European unity under a spiritual and a temporal chief—really ended with the division among his sons of the realm of Charlemagne and the Treaty of Verdun in 843 whereby, roughly speaking, modern Germany and modern France first came into being. And thus emerged that antagonism between these two races, that struggle for supremacy between them which, though obscured by the chaos of the middle ages, has been one of the principal causes of disturbance in Europe for centuries, and as one or the other threatened to dominate Europe, England acting on the instinct of self preservation had to take the weaker side. During the reign of Henry Spain, owing to her alliance with the Hapsburgs, threatened to acquire a preponderant position in Europe and on the seas, claiming a monopoly of the lands on the other side of the Atlantic, and England naturally came into conflict with her.

I have often wondered, standing beside the tomb of Don Juan, the only son of Ferdinand and Isabella, in the church of San Tomas in Avila, what changes might have occurred in the history of Europe and the world if that young man so full of promise had not prematurely died. One thing we can certainly say, which it would be difficult to say of any other: that if the young prince who lies there so beautifully carved in marble by the Florentine, Domenice Fancelli, had not died, the history

of the world would without doubt have been completely altered. For then, the tremendous energies of the Spain of that day would not have been sapped by long and weary wars to maintain her European possessions brought to her by the Hapsburg alliance, and Charles the Fifth would never have been at once German emperor and king of Spain. Instead of wasting the wealth she drew from her American colonies in futile attempts to keep the Netherlands, Spain might have used that wealth for her own internal development and become that great maritime and trading power, to which her geographical position and her great internal resources certainly entitled her. No country has ever paid so dearly for the temporary greatness that was forced on her by an evil fortune in the death of that young boy who lies in the wonderful tomb at Avila. That is, however, a digression, if a legitimate one.

Once then, the fear of the domination of Europe by a fortuitous Spanish-Austrian combination disappeared, the duel between Germany as such and France reappeared. Generally speaking, the threat of French domination lasted from the middle of the seventeenth century to the beginning of the nineteenth, from Louis XIV to Napoleon, and during this time we generally find England and France in collision, although as always there were what Prince Bülow once called some extra *cours de valse*.

After the defeat of Austria by Prussia in 1856 the star of the Germans, Prussianised under the influence of the descendants of the old Teutonic Order of Knights, was again in the ascendant and culminated in that pentecost of calamity, as Mr. Owen Wister has called it—the late war. This time, as the threat of domination came from Germany, England from an instinct of self-preservation, which has inspired her policy throughout the centuries, took once more what seemed the weaker side and once more helped to stay the domination of Europe by any one power.

I do not pretend that England has taken the side of the weaker in all these long centuries of war out of any specially chivalrous or quixotic sentiment, though no doubt this did to some extent influence her policy. Generally speaking, however, it was just

the instinct of self-preservation, the knowledge that any power which dominated Europe would probably dominate the seas, and that any power which dominated the seas would ultimately dominate England. All that is so clear that he who runs may read. For that reason, and that reason alone, the English, like every European people which valued their own independence above every other good, even a *Pax Romana* imposed on Europe by some modern Emperor, were prepared to fight to maintain the Balance of Power by which alone that independence should be secured.

But the really important question to my mind is not: "Was England or not on the side of the angels in taking the line she did in the course of these centuries?" It is rather, "what line are we to take in the future?" For the moment, there is no power which threatens Europe with domination—for I think the latest danger, that of a Russian communist domination, is practically at an end. It was no doubt far more serious than European statesmen would care to admit from 1918 to 1920, but it ended, I believe, when the Bolshevik hordes were defeated before the gates of Warsaw in August 1920. It is curious to reflect that England has played a leading part in throwing back two great invasions which in modern times have threatened the foundations of European civilization coming from the East: in 1683, when John Sobieski saved Vienna from the Turks, and in 1920 when the famished and ill-equipped Polish army with the help of a French general beat back decidedly the victorious Bolsheviks and saved Central Europe from a general communist upheaval. That, however, is another digression and I must go back to my point, that there is at the present moment no one power threatening to dominate Europe. In that sense, at least, we have a breathing space in which to turn around and consider the whole situation.

Now it seems to me that unless we want to have to return to the old system of the Balance of Power with all its attendant dangers of competition in armaments and inevitable wars, we must find something to take its place; otherwise there is, I fear, nothing to be done but to return to the old hopeless condition,

which means ruinous expense in armaments with the spectre of war at the end, disastrous both to victors and to vanquished. From among the possible international systems which might replace that of the Balance of Power we can, I believe, rule out today an idea of a Holy Roman Empire, imposed by one power on the rest, which might formerly have bound Europe together and so establish a *Pax Romana*.

There was a time when certain political thinkers looked to the formation of a federation of European states to carry out on a grand scale what Switzerland had accomplished so successfully on a small scale. The nucleus of such a federation began on August 1, 1291, when the three diminutive cantons of Schwyz, Uri and Unterwalden bound themselves together to defend their liberties and rights, seventeen days after the death of the Emperor Rudolph of Hapsburg, the founder of the Hapsburg dynasty, who was himself a Swiss. It seems not too utterly Utopian to hope that, as the seed grows into a great tree, so this little federation might prove the germ of a system of free and independent states, leagued together for the defense of their own liberties while maintaining a general rule of peace by law.

Listen to the first words of the famous document drawn by the men of those remote valleys hidden in the folds of the Alps, and see if they do not send a thrill of hope to the heart of every lover of justice, liberty and peace,—

“In the name of God—Amen. Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace. Therefore know all men that the people of the Valley of Uri, the democracy of the Valley of Schwyz, the community of the mountaineers of the Lower Valley (Unterwalden), seeing the malice of the age, in order that they may better defend themselves and their own goods and better preserve them in proper condition, have promised in good faith to assist each other with aid, with every counsel and every favour, with persons and goods within the valleys and without, with might and main against one and all who may inflict on any one of them any violence, molestation or injury or may plot any evil against these persons or their goods.”

And so it continues specifying the action to be taken in case of attack on their liberties. From this small and humble origin some 730 years ago sprang up the Swiss federal democracy which produced probably the sanest, most stable, most democratic government of Europe—the Swiss Republic. These three cantons gathered to them other lands of other speech and withstood the religious upheavals that followed the Reformation. None of its great and powerful neighbours has dared to attempt a conquest of Switzerland since Charles the Bold of Burgundy lost his dominion and finally, his life, in the attempt at Murten, Grandson and Nancy at the end of the fifteenth century. There is an old Swiss rhyme which tells how that proud warrior lost

Bein Grandson das Gut  
Bei Murten den Mut  
Bei Nancy das Blut.

Well, there in the heart of Europe among the Alps, has existed now for centuries a federation of peoples, differing in culture, in speech, in religion, but held together by their love of liberty, law, order and justice set on high for all men to see, as an example of what can be done where there is a will to do it.

“Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace.”

So we have our choice. It rests so far as I can see between returning to the Balance of Power in Europe or a league concluded for the proper establishment of quiet and peace.

I know which I should prefer, and which a great majority of the average inhabitants of the British Isles would now prefer. I believe I know which the great majority of average Frenchmen, Germans, Italians and Spaniards would prefer—simply as a matter let us say of “common sense,” just as in its time the “Balance of Power” was also a matter of common sense. We must remember England is a European power by her geographical position and nothing can alter that. She must shape her policy to fit in with that dominating circumstance. Therefore, a league for peace and quiet, or shall we say for arbitration, security and disarmament, in Europe is bound to affect her very



closely. She can not hold altogether aloof from it any more than she could formerly hold aloof from the system of the Balance of Power.

America, which has the geographical merit of being 3000 miles away, and has no fears for her security can hold aloof, and in my humble opinion neither of us has the right to criticise the other for doing what their geographical position requires. But I would ask Americans to try to understand that the position of Great Britain is by far the more difficult of the two. Every man in the British Isles desires the closest understanding with the United States. That is a cardinal principle of our policy and must remain so. We are, however, compelled at the same time to consider our situation in Europe and we have also to consult and regulate our policy according to the views and opinions of the other partners of the British Empire, whose interests are not directly concerned with Europe, and it is this which may at times make it difficult for the extra-European English-speaking nations to understand our policy, owing to our more complex problems.

One of the principal duties of Great Britain in the future, as it seems to me, must be to explain and interpret the necessities and the difficulties of Europe to America and the overseas Dominions, while at the same time working in Europe for an enduring peace, which is, when all is said and done, the greatest interest of us all.

I hope and pray that British statesmen may rise to the height of the task that will be imposed on them and that we may thus avoid a return to the system of the Balance of Power in Europe, with all its attendant evils, without sacrificing any of the good will and friendship of our friends and cousins in other parts of the world.

## THE MODERNIZATION OF INTERNATIONAL LAW<sup>1</sup>

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Few words have been used with more different meanings than the word "law." "International law" has likewise had many diverse definitions. The term, international law, is here used to cover the rules and principles which are generally observed in the relations among states. As laws in general become serviceable as their observance becomes regular, so international law becomes serviceable as its rules and principles are generally followed.

The modernization of international law would imply the adaptation of international law to modern conditions. Conditions have changed since the old days when "strange air made a man unfree;" when all foreigners were enemies; when emigration was prohibited lest all man-power of a state might leave and there might be no available material for an army; or when such principles generally prevailed as that of Machiavelli, which he enunciates in the following words: "that whoever is the occasion of another's advancement is the cause of his own diminution" (Chap. 3).

The development of the family of nations idea, and its extension from the Christian European states to other so-called Christian states, and later to states having a recognized political standing, regardless of religious or ethnic bases, shows the enlarging aspects of international relationship. In order that this relationship might continue, it was necessary that principles generally recognized by those having control of political affairs as worthy of their support should underlie these relationships.

In the ancient times practices based upon narrow selfishness,

<sup>1</sup> Remarks at American Political Science Association luncheon, December 29, 1924.

such as the enslavement of all foreigners, might meet with approval, but this would be only during the period when there was little contact between different states, and little advantage to be gained from such contact. When the Romans began to rest their relationships upon natural law bases, there arose a possibility of the spread of uniform principles over wide areas. The recognition of religious principles in the relationship of mankind added to the possibility of unification of certain principles among different nations. With the growth of commerce it became easy to understand the necessity for such laws as those embodied in the Law Merchant.

In modern times change in the way of adaptation of international law to changing relations of states has been more marked even than the changes in domestic law. The Holy Alliance viewed with horror the "curse of revolution." However, most of the states upon the American continent base their existence upon the recognition of the right of revolution. Yet revolution is not now favored by even the American states because of close proximity and the many relations which are disturbed by frequent changes in neighboring states.

At the beginning of the nineteenth century there was much friction in regard to such matters as diplomatic precedence among the representatives of various states at foreign courts. The Treaty of Paris of 1815 and the Treaty of Aix-la-Chapelle of 1818 by conventional agreement established principles which have since been followed to the satisfaction of all concerned.

In many states in the early nineteenth century the attitude toward slavery was regarded as purely a national matter, and even so late as 1842 the distinguished authority, Henry Wheaton, found ample arguments against permitting visit and search in time of peace for the purpose of suppressing the slave trade.<sup>2</sup>

<sup>2</sup> Chief Justice Marshall, in the case of the *Antelope* 1825, said: "Whatever might be the answer of a moralist to this question, a jurist must search for the legal solution, in those principles of action which are sanctioned by the usages, the national acts, and the general assent, of that portion of the world of which he considers himself a part, and to whose law the appeal is made." Showing that the slave trade had been generally carried on for two centuries, he further said: "In this commerce thus sanctioned by universal assent, every nation had an equal right to engage." (10 Wheat. 66).

But by 1890 the United States and most of the other powers of the world had united in conventional agreements for the suppression of this trade. In this, as in many other cases, rights once regarded as almost axiomatic when states were far apart and little related, have now ceased to be recognized, and are no longer considered even debatable.

The proximity of states has made necessary the recognition of new rights and obligations, though not necessarily always involving changed principles or theories. As Justice Holmes said, in referring to the Convention for the Protection of Migratory Birds, concluded between Great Britain and the United States in 1916, in the case of *Missouri vs. Holland* in 1920: "The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago." (252 U. S. 416.)

Many of the old doctrines, regarded as fundamental to the concepts of international law, such as equality, independence, rights of property, have been subjected to careful scrutiny and redefinition has been found necessary.

While the geography of the world, so far as physical contour is concerned, has changed but little, the political unities upon the surface of the earth have undergone many changes, bringing new relationships. In these unities new social and political entities have developed, intellectual and psychological points of view have changed, and economic conditions have contributed to the establishment of new relationships.

The old maxim "*Cujus est solum ejus est usque ad coelum et ad inferos*" (Bury v. Pope, 1588) was thought to be one that would probably suffer little change. But recent decisions have justified states in the assumption of absolute jurisdiction over the air space above their territories. In some of the recent decisions the principles set forth by Sir William Scott, in the case of the *Atalanta* in 1808, would apply, while in others there has been needed the recognition of new principles or of principles hitherto unrecognized. Sir William Scott said, speaking of the imputation that the court was sometimes guilty of interpolations in the law of nations:

"If the Court took upon itself to assume principles in themselves novel, it might justly incur such an imputation; but to apply established principles to new cases, cannot surely be so considered. All law is resolvable into general principles. The cases which may arise under new combinations of circumstances, leading to an extended application on principles, ancient and recognized, by just corollaries, may be infinite; but so long as the continuity of the original and established principles is preserved pure and unbroken, the practice is not new, nor is it justly chargeable with being an innovation on the ancient law, when, in fact, the Court does nothing more than apply old principles to new circumstances" (6 C. Rob. 440).

There are those who think that this opinion of Sir William Scott has been stretched somewhat too far in recent decisions, such as in the *Strathearn S. S. Co. Ltd. v. Dillon*, in which the Act of the Congress of the United States entitling seamen to receive on demand certain wages which had been earned, at any time when in port, provided that the demand is not oftener than once in five days, "And provided further, that this Section shall apply to seamen on foreign vessels while in harbors of the United States, and the Courts of the United States shall be open to such seamen for its enforcement," (Sec. 4530). In the decision of this case, referring to *Patterson v. Bark Udora* (190 U. S. 169), it was said for the United States: "that it was for this Government to determine upon what terms and conditions vessels of other countries might be permitted to enter our harbors, and to impose conditions upon shipment of sailors in our own ports, and make them applicable to foreign as well as domestic vessels. Upon the authority of that case and others cited in the opinion therein, we have no doubt as to the authority of Congress to pass a statute of this sort, applicable to foreign vessels in our ports, and controlling the employment and payment of seamen as a condition of the right of such foreign vessels to enter and use the ports of the United States."

This tendency to apply national law in a somewhat extended manner has been common in recent years. It is true that it has been usually held that a nation had exclusive jurisdiction

within its own territorial limits. (The *Exchange*, 7 Cranch, 116). Also it has been customary to admit in some cases that this jurisdiction would be voluntarily limited. It was, however, held that while the national Prohibition Act might have exempted ships, or might have made a distinction between American and foreign ships in American waters, "it contains no exceptions of ships of either class, and the terms in which it is couched indicate that none is intended." (Cunard S. S. Co. v. Mellon, 262 U. S. 100). Nevertheless, it has been deemed expedient, in order to avoid difficulties, that the United States conclude treaties with various other states by which American officials obtain rights of examination of vessels outside the three-mile limit, and under which foreign vessels may be permitted to enter United States ports without liability when liquors are listed as "sea stores" or "cargo destined for a port foreign to the United States," provided such liquors shall be kept under seal while in American waters, and shall not be unloaded therein. These treaties are closely analogous to what was supposed to be a fairly well accepted principle among the states of the world to the effect that matters relating to the internal economy of a vessel should even in a foreign port be under the jurisdiction of the state whose flag the vessel has a right to fly.

While national legislation affecting matters with which foreigners may be concerned may for a time depart from accepted principles of international law, it is the tendency to recognize those principles in subsequent legislation or in practice, in order that free and satisfactory intercourse may continue.

In recent times there has also been an increasing tendency to formulate principles which may be acceptable to the states of the world, and which may by national adoption be generally recognized. The preamble of the Hague Convention of 1899 for the Pacific Settlement of International Disputes affirms that the states are "Desirous of extending the empire of Law, and of strengthening the appreciation of international Justice." The Second Hague Conference in 1907 reaffirmed this purpose. The cases submitted to arbitration under the provisions of these conventions in the early days of the twentieth century related

to question and events involving Europe, Asia, Africa, North America, South America, and ranged from money claims to question involving the right to fly the flag and other matters considered to involve fundamental rights.

The preamble of the Covenant of the League of Nations asserts that it was agreed to "In order to promote international coöperation and to achieve international peace and security . . . by the firm establishment of the understandings of international law as the actual rule of conduct among governments."

Article 228 of the Treaty of Versailles provides that "the German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war." This same article provides for punishment and for handing over of persons accused of violation of the laws of war, thus making operative the provision which was introduced into the Hague Convention concerning the laws and customs of war on land in 1907, which provides that the belligerent party shall be responsible for all acts committed by persons forming a part of its armed forces.

The commissions of inquiry, somewhat similar to the grand jury system, introduced in the Convention for the Pacific Settlement of International Disputes in 1899, and elaborated in the corresponding convention in 1907, and in a modified form in many bilateral treaties, have proven serviceable in times of great strain.

From the middle of the nineteenth century there has been a growing tendency to agree upon uniform rules of action by conventions having general operation through multilateral negotiation, adherence, or accession. Sometimes the same effect has been brought about by declarations on the part of one or more powers to which other powers have adhered. The parties to the Declaration of Paris engaged to bring the Declaration to the knowledge of other states, and to invite them to accede thereto, and the plenipotentiaries affirmed that they doubted "not that the efforts of their governments to obtain adoption

thereof will be crowned with full success." Not all states acceded to this Declaration. Among those which did not were the United States and Mexico, though the United States did accept it in principle in 1898.

After 1873 meetings of those interested in the development of international law became more common, and the influence of the Institute of International Law, which was founded in 1873 "to aid the development of international law," gradually increased. Other societies and associations have aided in making international law more widely known and understood. This certainly was necessary for other countries if Disraeli was able to say of his own, which had such wide contact, that "there is no subject on which we are so misinformed as our foreign policy." The influence of these organizations was also evident in many of the decisions of courts, passing upon international matters, as in the decision of the Japanese prize courts during the Russo-Japanese War, where rules formulated by the Institute of International Law were frequently cited in support of the decisions of the Court.

Government publications in recent years have frequently given information upon details of international affairs in order that the public opinion might have correct data upon which to rest. Whereas in the old days the will of the ruler might determine the action of the state, in modern times there has been an attempt to put the opinion of the citizens behind state policy. A striking instance of this change may be seen in the general use of propaganda in recent years. As propaganda has been used upon both sides it is probable that in the long run there will be necessary an attempt to reach justice before questions may be settled in such fashion as to satisfy both sides.

While negotiations anciently were between rulers or representatives of rulers, and even in more modern times the same practice was followed, as at the Congress of Vienna, toward the end of the nineteenth century, and particularly during the twentieth century, conferences of representatives of the states of the world, as such, upon matters of general concern have become more and more common, and the conference method has



been resorted to for formulating rules of conduct and principles of action along nearly all lines of international relationships. The influence of these conferences can be clearly seen in a comparison of the citations in a book like that of Grotius' *De Jure Belli ac Pacis*, and any modern treatise upon similar subjects. While a single page of Grotius might cite, as bases for its conclusions, many chapters of the Bible from Genesis to Revelation, as well as classical writers and those writing on special topics like Gentilis, modern writers would support their conclusions by decisions of courts of many countries and conventional agreements reached in conferences.

The Hague conferences not only drew up conventions for the Pacific Settlement of International Disputes, but also proposed an International Prize Court and a Court of Arbitral Justice, which should aim not merely at the peaceful settlement of disputes but rather at the judicial settlement. The times were not ripe and the methods not devised for an international court of justice until the futility of other methods had been clearly demonstrated in the World War. The doctrine that "*Kriegsräson geht vor Kriegsmanier*" has failed, and those who tested its validity on land have been convicted and sentenced in some cases, thus for land warfare showing that "*Kriegsmanier geht vor Kriegsräson*." Unfortunately, the resort to corresponding acts in maritime warfare in the World War has not yet received a corresponding condemnation. Article 14 of the Covenant of the League of Nations provided for the establishing of a Court of International Justice. This court, established and functioning already in many matters, has clearly indicated that its functions are judicial, as it said in the reply to a request for an advisory opinion concerning the status of Eastern Carelia, July 23, 1923. "The Court, being a Court of Justice, cannot, even in giving advisory opinions, depart from the essential rules guiding their activity as a Court" (Series D, No. 5, p. 29).

The use of force is coming to be thought of not as a method of settling international disputes, but as a means of anticipating such conflicts, and of enforcing judicial decisions, though all awards of the Hague arbitral tribunals, as well as opinions and

decisions of the Court of International Justice, have become operative without the use of force.

War, even, has changed in its inception, conduct and results. Formerly undertaken at the will or whim of a ruler, it now needs justification to the world; formerly conducted without regard to law, it is now subject to more and clearer defined methods; and formerly often for spoils of the enemy, now it is discovered that the vanquished cannot "pay the cost of the war."

The old legal maxim that there must be an end of controversy still holds. St. Augustine, Thomas Aquinas, and Suarez said that war must be just. The modern tendency is to say if the cause is decided to be just, war should not be waged.

In peace even the national courts do not necessarily give the same interpretation to a principle of international law or of a treaty, and this is often due to lack of knowledge of any system of justice except the national system. There is therefore need for an international tribunal to pass upon such questions either *de novo* or on appeal with view to decision on general in distinction from national principles.

What is needed, and what is evident in some recent opinions, is modernization, which, in contrast to the earlier nationalization of the international principles, is the internationalization of national principles, in order that controversies may be reduced by the application of common standards.

As the ancient ideas of competition and isolation in business and other fields have disappeared, and the advantages of more complete coöperation have been recognized, so through modernization of international law common standards for the regulation of international relations are more generally accepted, and the desire to promote justice among nations is coming to prevail.

## THE CIVIL SERVICE IN THE MODERN STATE

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"I'd give them th' votes," said Mr. Dooley. "But," he added significantly, "I'd do the countin'!" These words symbolise, in a crude way, the direction of political inquiry in the century prior to the year 1880. Until about that time political scientists were concerned mainly with the processes of policy and law-making. Incident to this were studied things like the nature of public opinion and the electorate, political parties, representative assemblies and their relation to the executive. But the problem of the civil service in the modern state emerged in its full importance not longer than some four decades ago; and indeed, today, we are only in the stage of discovering the questions yet to be explored.

The centre of gravity in political science has plainly shifted from the field of electioneering to that of the civil service. In our own day that machinery serves two purposes of high importance. Firstly, it furnishes the expert knowledge without which parliaments can not, in any adequate fashion, create and enact policies. Secondly, it carries out the commands of the policymaking body. The experience of the United States, of Great Britain, of France, Germany, Canada, Australia and South Africa, shows conclusively that to perform the first of these two functions the members of the representative assemblies have neither the time, the ability, the inclination, nor the machinery. They must come to the permanent office-holders for expert knowledge. And as to the second, a variety of reasons forces them to legislate in general terms and leave the civil servants to draw up statutory rules and orders—to create "secondary legislation," the enormous and increasing mass of which gives the civil service in the modern state a vast power. That power

is increasing, for the state has given up its old rôle of acting, in Lassalle's phrase, as 'night-watchman,' as a mere dispenser of justice in the strictest sense of the word. Today it acts upon the theory that the good of the individual and of society may be discovered by the processes of social reason and action, and be implemented through statutes. The nearer we approach to communal control of life, the more power will the civil or communal service secure. It becomes, then, our anxious concern to inquire into the organization of the civil service, so that the power it must inevitably exercise may be beneficial to those whom it is designed to serve.

The experience of the countries I have already mentioned makes it possible to lay out a rough map of the ground to be travelled. The most interesting thing revealed is this, that despite differences in history, industrial life, social tradition, and political system, the pattern of problems (as, for instance, recruitment, promotion, discipline, control, payment, and civil and political rights) tends to uniformity as between the various countries; and so do the solutions of those problems.

In these countries one key serves, practically, to open up a glimpse of the great problems of civil service organization. It is this. The open market test of solvency cannot be applied to the services rendered by the state, or by its agent (perhaps it would be as well to say, its other self), the civil service; and therefore, every factor determining the original and the sustained good quality of each particular servant is of most urgent importance. Let me expand this a little.

The state, through the civil service, spends money which is ultimately derived from the pockets of private individuals, not without complaint on their part. These citizens get no direct *quid pro quo* for their taxes; but the general services which the state renders give it the character of a productive concern like any joint-stock company. It is a kind of public service corporation. But the state cannot be subjected to the commercial tests by which the private producer is judged. No accurate way has yet been invented of assaying the relationship between its output and its revenue. The instruments by which the work

of the civil service has been measured hitherto have been parliamentary investigations, through question in the full House as in England; through committee and commission enquiries as in United States, France and Germany; through informal deputations from interested groups, a method of great and growing importance in France and England; and through formal and permanent committees representative of interests in such departments as the railways, posts and telephones in France, and the board of trade and ministry of health in England. But this machinery is cumbersome, rough and incomplete. It is, in fact, difficult for anyone but an expert fairly and effectively to criticise an expert; and it has been the frequent experience in England that the expert must coach members of Parliament in the actions to which criticism should be directed. This fact is probably not without foundation in the experience of other countries also. Since, then, it is impossible for the final product of the civil service to be measured and controlled in anything like a satisfactory manner from the outside and retrospectively, it is of the highest importance that only the fittest shall be selected, that only the fittest shall be promoted, and that the conditions of discipline, reward and civic rights shall promote an atmosphere of contented and zealous activity. To secure this end the countries under consideration have been, and are, steadily addressing themselves.

Recruitment has been, historically, the first concern of reformers. Broadly, till 1870, most countries recruited by a 'spoils', or patronage system, in which political and social affiliations were the first, and competence to carry out the functions of the office, the secondary consideration. The political scientist will note with interest, however, that in Prussia since about 1700, there has been provision for recruitment by merit, through examinations or university qualifications, because there was only one authoritative party in the state, the Crown. Efficient service was the great safeguard for the Crown's continued existence. Democracies are beginning to see that what was true for autocratic government is true for them also, and the recent fate of Italy and Spain is revealing in this respect. The

wise and gentle Machiavelli says, "Nothing makes a Prince so well thought of as to undertake great enterprises and give striking proofs of his capacity."

In Prussia there is a close connection between the various educational grades, like the *Hochschule* and university courses, and the stages at which the civil service is entered. In England, too, the civil service commissioners have since 1853 directed their attention to the 'natural' stages of education, like secondary schools and the main university courses in working out their classification of the civil service. The chief German contribution to education for the public service is its insistence upon three years' study of political science, administrative law and political economy, followed by four years' practical experience for the Higher Class, which has important policy-making and administrative functions. The English contribution lies mainly in the choice of its administrative class—the highest class of officials—by examinations which demand a high honors' standard of attainment in the senior classical and mathematical schools at Oxford and Cambridge, while of late, the younger universities are securing ingress for their candidates by the inclusion of examinations in history, political science and political economy.

There has, in the progress from 'spoils' to the 'merit' system in the United States from 1883 till now, been no actual or attempted connection between the grades of the service and the educational system of the country. The reclassification commission of 1920 recommended that the civil service commission or some such body should attempt coöperation with the universities to establish tuition for the civil service. The United States contribution to the science of preparation for the public service will probably be recognised by history as the attempt to create psychological tests for certain branches of work, of greater economy and accuracy than the tests we now use.

In the countries under review, qualifications are laid down by an institution standing outside and independent of the separate administrative departments, and examinations are conducted under its authority, and experience has shown that this is essential if fairness as between civil servants and their efficiency

*vis-à-vis* the public are to be established and maintained. In France there is no such institution to correspond with the English or the American civil service commissioners: each department is a law unto itself, save that its rules laying down qualifications (recognised academic diplomas and degrees and examinations), are ratified, in a very general way, by the Chambers through the annual finance law. There are over 200 separate decrees regulating recruitment and promotion in the different departments; and dissatisfaction with the work accomplished and rewards given is rife both inside and outside the service.

On the whole this question of training for the public service is being answered effectively but slowly. Long and careful experiment and the formulation of theory are still vitally necessary, in order that there shall be recruited, for the higher positions especially, men and women equipped with a thorough knowledge of modern social life, the ability to learn the technical side of their own job, and insight keen enough to project reforms.

Promotion is linked with recruitment as an element which, directly and indirectly, affects the efficiency of the service, and has an important effect upon the less concrete factor called *morale*. It has been found that the excellence of the rules relating to promotion will be, in a large measure, determined by the adequacy of the system of classification adopted. Where there is no classification, or only an insignificant system as in the United States before 1923, it is impossible to regulate promotion efficiently and with justice to the personnel. Further, unless there are common rules of classification and promotion, though rough justice may be realised among individuals in each department taken as a separate unit, there will be unfairness as between men in different departments, and a failure to reach the maximum efficiency in the service as a whole. Of this France is an example.

Two general developments must be noticed. The first is the search for objective tests of fitness for promotion independent of favoritism. This has a tendency to develop into an attempt to estimate the qualities necessary for promotion with numerical precision. The second, a corollary of the first, is the endowment of the central controlling authority with the power to recommend or ratify promotions.

The search for objective tests is most intense in those countries where the 'spoils' system has been worst, and where, moreover, the higher officials, because of their political appointment, have known nothing of personnel conditions. It is in the United States that the objective test is sought for with most pertinacity, in the states as well as in the federal service. Till 1923 promotion in the federal service took place, in a few cases, by qualifying examination, and by seniority; or vacancies in higher grades were filled from outside the service. Now the law provides that the personnel classification board is to lay down general conditions of promotion, which is to be firmly based upon a system of efficiency ratings worked out by the bureau of efficiency. These ratings have been worked out with great care. But of all the countries in which such record sheets and efficiency ratings are used two judgments may be made. The first is that human nature inside the public service is apt to be less severe than outside: the officers who apply the ratings to the men they supervise do not like to discriminate between them, for so to discriminate means the condemnation of this or that man to less pay, less interesting work, or even dismissal. The officials work together, eat together occasionally, know something of each other's domestic lives. It is hard to discriminate! The second is, that this being so, it will be difficult to exclude personal preference and seniority. Age has its claims even when it falls short in powers.

In France, the higher the entrance qualifications, the more does seniority rule promotion; and the same holds good of Germany. Australia is the only country in this survey allowing an appeal to the central controlling authority against a promotion. There, any officer who considers that he is more entitled to promotion to a vacant office than the officer provisionally promoted may appeal within fourteen days of the publication of such promotion. The public service board decides the case after conference with a representative of the head of the department, the appellant or his nominee, and the officer promoted. In France, in the department of posts and telegraphs, there is a promotion board upon which sit two or three representatives



of the lower ranks of officials; they participate in the drawing up of the promotion lists. Here then, we observe how in Australia the individual's sense of fairness is respected, and how, in France, a step is made toward self-government within the departments.

For convenience of exposition it is desirable at this point to turn to an entirely different aspect of the civil servant in the modern state. While, from 1880 to the present time, the needs of the modern state caused attention more and more to centre upon securing efficiency in the Civil Service, the ripening of democratic and syndicalist ideas caused the civil servants, particularly those in the lower ranks, to make certain claims of the state. They demanded that the state should accord them full citizen rights in ordinary political life, and certain rights of self-government in their employment. A stern conflict arose between the state and its servants, and assumed its gravest character in those states, like France, Germany and Italy, where public security and order have, historically, been the predominant purpose of statesmen. In France, to strike is considered to mutiny against the state, which is held to be no ordinary employer, but the embodiment of the sovereign will of the people. Similarly in Germany; but there the matter is argued more rationally, the civil servants' security of employment and pension, and the state's vital need of a continuity of services, are put forward as reasons against the right to strike. The right of association is allowed in France, but it must not be interdepartmental, nor is affiliation with ordinary trade union bodies permitted. This is the law; but in practice the associations do not heed the law. In Germany full rights of association have been granted to the civil servants by the Constitution of 1919; in Australia, the United States,<sup>1</sup> and Canada such rights are not denied.

As to political rights all countries allow their civil servants the right to vote, but South Africa, Canada, Australia and the United States, forbid other participation in politics even to the

<sup>1</sup> Spiro, *Labor in a Government Industry* (Doran, 1924).

slightest extent. In France such participation is without legal hindrance, but in practice it is subject to the interference of the superior official; though when an official is elected a member of the Senate or Chamber of Deputies, he remains on the staff of his department without pay until he reassumes active duty, when he is reabsorbed into its ranks. In Germany no special leave is required to attend the Reichstag or a state parliament, and officials have a right to "the necessary leave in order to prepare for the election." The present state of the law in the countries where political rights are most restricted seems to arise out of an undue reaction from an overdose of the 'spoils' system. In England, where officials must resign upon accepting candidacy for Parliament, long agitation has resulted in the creation of a treasury committee to inquire into and report upon increased political freedom for civil servants.

The demand for self-government has had its soundest realisation, so far, in England. Whitley councils, representing nearly all the members of the service, were created in 1919, to cover each particular branch of the service. Above all these departmental councils stands a National Council. Work of an important and effective nature has been accomplished in the matter of promotions and discipline, superannuation, further education of younger civil servants, and regrading and reorganization. The zeal with which the staff side of the councils has flung itself into the work of investigation and inventive thought augurs well for the success of the system and the happy working of the service. There is a pride in the new status which is justified, not only because it ministers to good administration, but because it elevates the humanity of the official. "The third and perhaps the most important feature that distinguishes our inquiry from any that have come before it," says the Staff Side Report on the Organization of the Civil Service, "is its recognition of a new principle of coöperation in the public service."

One can observe, however, in all that has preceded, the phenomenon of a body of citizens treated, as a unit, differently from the rest of the nation, owing to their vocation. That is not altogether sound, for good government lies in a community

of life between governors and governed, rather than in immuring each party within distinctive privileges and prohibitions.

The matter is best illustrated by the Australian Arbitration (Public Service) Act of 1920. Before 1920 public service organizations filed their complaints as to pay and conditions of work before the ordinary arbitration courts, and the cases were judged according to the ordinary industrial laws and rules of equity. The judges gave conflicting decisions, upsetting the equality of conditions of pay, hours, and so forth, among the various grades of the service which, for the sake of fairness and efficiency, the public service board had tried to dovetail together. Therefore in 1920 a special arbitrator was appointed for the public services. It was hoped that future judgments would rest upon a jurisprudence derived not only from the general principles of justice, but from the special character of employment in the service of the state. That is, a special character is recognised in state employment, differentiating it from employment by private agencies and through private bargains.

That special character seems to emanate from the inability of the state to make private bargains with each individual servant. This is due to various causes: the service is usually so big; the public services must not be stopped while competitive bargaining is going on; a continuity of service is necessary, and this demands stable conditions of employment and contented servants; and parliaments insist on exercising a supervision, and even a control, which in some cases may become meticulous in the extreme.

These facts also form the reasons for the existence of another of the basic problems of the civil service in the modern state: classification. This may be defined as the problem of treating all servants in the service doing equal work, equally; and where there is a difference in the amount and quality of work done, of proportioning reward to service; preliminary to which is the creation of classes and standards of work by which comparisons can be made. The experience of all countries shows how necessary such classification is, in spite of the fact that it is difficult to establish, more difficult to maintain in the face of develop-

ment, and almost impossible to satisfy the individual civil servant that he has been rightly placed in any particular category; since he, in company with other human beings is like the crab, which, according to William James, would very likely be filled with a sense of personal outrage at hearing itself classed as a crustacean, and would say "I am no such thing; I am MYSELF, MYSELF alone."

A branch of the subject, as piquantly interesting as it is important, is what public opinion thinks of the civil service. Countries are intriguingly similar and different in this respect. The rather intangible nature of the subject-matter makes any perfect depiction impossible, but we may try our hands at England, France and Germany in turn. In England the general public is on the whole mildly indifferent to the existence and works of the civil service. There is, however, a general impression among moderately intelligent newspaper readers, that 'red tape,' or unnecessary slowness and formality in the despatch of business, prevails; that civil servants undeservedly lead an enviably secure and stable life, permanently assured of short hours, good pay, long holidays, pension-rights, and not much work; that incompetence goes unpunished. The vaguely remembered descriptions of Dickens' Sir Tite Barnacle and the Circumlocution Office and the daily round of Anthony Trollope's *Three Clerks* lend a background of colour to more modern instances of inefficiency. The occasional high lights on administrative pathology are of fiercer efficacy in the creation of opinion than the steady meritorious work accomplished day after day.

The public service suffers because it is the only business concern which does not advertise. The principle of ministerial responsibility, the balance wheel of the English political system, consigns the civil servant to anonymity when he is right, and not seldom exposes him to mordant attacks when he is wrong. Yet it is known and appreciated that many of the best minds in the country enter the service of the state. Within this general scheme the House of Commons prides itself upon its rôle as the grand inquest of the nation. It never ceases to watch, nor does it ever omit to challenge, the day-by-day administration,

and it stands on guard against the never-ending audacity of officials; just as in days gone by it contrived that the prerogatives of the Crown should be converted into the privileges of the people. For parliament feels that officials are better placed than ordinary folk to follow the universal and seemingly irresistible tendency of human beings to magnify their offices and extend their powers. Yet jealousy of and trust in the civil servant have been nicely balanced, and a gratifying mutual respect reigns between service and legislature.

In France, the *fonctionnaire* looms larger in the public mind than in England; for despite many revolutions, the principle of individual liberty has not been very usefully embodied in institutions, and age-long tradition of *étatisme* and centralisation remains unshaken, and, indeed, has, in the last three decades, been notably reinforced. The administrative spirit of Louis XIV and Napoleon I still finds a congenial home in Paris and the capital towns of the *départements*; and the one million officials and employees amount to one in ten of the entire electorate. To the public, then, the service is a subject of dislike and suspicion; it is so often arbitrary and unjust in its decisions, and, by retarding its judgments, often for years, it abolishes for the citizen the only tool which might give substance to his rights. Perhaps derision has more play than solemn dislike. Invective, frequently scabrous, and always pungent, is poured upon the incumbents of the *bureaux* with a Rabelaisian zest.

Monsieur Lebureau, if I may be permitted to change his sex for a moment, is a national Aunt Sally, at whose figure it costs nothing, while it brings gay applause, to fling barbed epigrams. Here, as in other walks of life, it is possible to enjoy a grumble, because no one expects to be called upon to amend the thing at which he grumbles, the politicians least of all. Balzac, De Maupassant, Georges Courteline, and Anatole France have limned immortal pictures of the *fonctionnaire*: a rather somnolent person with occasional love affairs and domestic worries, anxious to propitiate his superiors and to kick the behinds of others, zealous to earn his living and decorations with the minimum of work and the maximum of thought-saving habits,

and mildly yet invincibly convinced of his social dignity. It might be a description of anybody: we are all akin; and that is what the political scientist is obliged to remember in making his investigations.

The sharpest thorn in the side of the French civil servant is, of course, the Chamber of Deputies. That impetuous body makes mighty prods at the service, and, in the name of democracy, even attempts to control the everyday work of the service. It succeeds in getting much enjoyment out of the former; but never has, with anything like the excellence of England, effected the latter. The service, then, goes its way, hide-bound by traditions, some of them good, by solidarity of interest in its own defence against the aggression and contempt of Monsieur Le Parlement, and by its special immunities under *droit administratif*. Public dislike and derision, which are in one way tributes paid to power, have as their counterpart a widespread desire for employment in the service, especially in the minor clerical and industrial grades. The pay is low, but the *fonction* is a safe refuge, and relatives and friends are respectful toward someone 'in the government.'

In Germany, until the Revolution, the civil service was a highly honored aristocracy. It was an estate of the realm, and a great profession; and its highest grades were easily on a par, in influence and public esteem, with the *Offizierkorps*. You could no more insult them than you could insult the Emperor. Its efficiency was real and of a high quality, and did not fail to obtain public recognition. The Reichstag, as Bismarck<sup>2</sup> was supremely fond of saying, was a *Redeparlament*: it deliberated at great length. But the bureaucracy did valiant service and was uncorrupt. They were the real governors of Germany, splendidly trained, clever, forceful, industrious, far-sighted, public-spirited; and the nation had never known others.<sup>3</sup> The citizens were not unhappy with the good government in steering

<sup>2</sup> I am aware that he also distrusted the "administrators of the green-baize writing-table." But then he distrusted everybody: even his Divinity was his accomplice.

<sup>3</sup> Another aspect of this question is discussed at length in my *Representative Government and a Parliament of Industry* (Allen & Unwin, 1923, London).

the course of which they had no part; and the relationship between their contentment and the bureaucracy was not difficult to trace.

The onset of the Republic shook the authority of the civil service though it did not impair its essential power, and it will be decades before the spirit of a free electorate permeates this more ancient institution. The period of inflation adversely affected his corruptibility, but when the whole world was gambling to live, the civil servant could not be expected to starve; the misdemeanor was fugitive. The main lines are still unshaken: a civil service great and growing in size, efficient in the highest degree, respected and uncorrupt, somewhat autocratic in its action, but with the promise of liberalisation through republican institutions.

Other problems there are, but lack of time compels their omission. Among them are the principles of discipline, retirement and pay, which actually do and ideally should prevail in the public service. But sufficient has been accomplished here if this Klondike in the territory of political science has been put upon the map, and if some among the stream of explorers are induced to turn in that direction.

## CONSTITUTION V. CONSTITUTIONAL THEORY

### THE QUESTION OF THE STATES V. THE NATION

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The relation of the states and the nation is a topic on which there is a good deal of discussion these days. One week last spring brought to my desk four pamphlets on the subject—all of them from an anti-nationalistic point of view, and most of them emanating from the sovereign state of Maryland. At the same time *The Times* newspaper carried several articles on the subject. One was a rebuke by the President of the present tendency to look toward the national government for everything. A day or two later another utterance from the same distinguished source called for the establishment of a "federal" bureau of recreation.

But, along with this ancient issue, whose infinite variety time has never yet been able to wither or custom to stale, goes another of even broader import.

Like other branches of learning, constitutional interpretation pretends to a certain terminology or jargon of its own, but just how accurate this is, is indeed a question. And if it be inaccurate, this fact furnishes all the more reason why some attempt at defining terms should accompany a consideration of the question of the constitutional relationship of the states and the nation.

First, we have the term constitution, but even that is of ambiguous significance. In the formal sense the Constitution of the United States is the written instrument which was drafted at Philadelphia in 1787, plus the amendments which have been added since; in accordance with the forms laid down in the same instrument. In a material sense, however, the Constitution of



the United States is much more than this. For what is the purpose of a constitution? Briefly, it is to lay down the general features of a system of government and to define to a greater or less extent the powers of such government, in relation to the rights of persons on the one hand, and on the other—in our system at any rate—in relation to certain other political entities which are incorporated in the system.

But now, if we keep this definition of purpose in mind, it at once becomes evident that the actual Constitution of the United States is much more than the formal written constitution. The former includes the latter—or much of it—but it also includes certain important statutes, for example, The Judiciary Act of 1789, as amended to date, The Presidential Succession Act of 1886, The Inter-State Commerce Act, or portions of it, and so forth. Also, it includes certain usages of government which have developed since the formal constitution first went into effect, and some of which, indeed, have virtually repealed portions of the latter. In this connection the present rôle of the electoral colleges in the choice of President springs to the mind of everybody, but the rise of the committee system in Congress and the development of the President's Cabinet have done scarcely less violence to the intention—or more accurately the expectation of the framers of the constitution.

Lastly, the Constitution of the United States in its material sense includes a vast bulk of judicial decisions, particularly decisions of the national Supreme Court, which—at the behest of private interests for the most part—undertake to define certain terms of the formal constitution. Nor can it be questioned that some of the terms which have furnished the basis of judicial decisions were inserted in the constitution for the direct end of safeguarding private interests through the medium of the courts; but it is also clear that the scope of judicial supervision of political power in our system has been greatly enlarged by the assumption that private interests are legally entitled to the immunities arising from mere defect of power in this, that, or other instrument of government. It results, hence, that judicial interpretations of the constitution are important, not only in the

definition of the rights which are thereby recognized, but also for their effect upon the distribution of governmental power among the organs set up by the constitution.

We are thus brought to a second term of interest to our science, constitutional law. This, too, is ambiguous—indeed doubly so, as we shall shortly perceive. In the first place, the term law is ambiguous—*multiguous*, if there be such a word. However, we may content ourselves with considering two definitions: (1) that law is a rule of action; (2) that it is a rule of judicial decision. The two ideas are not mutually exclusive, for a rule of judicial decision must still be a rule, unless we accept Professor Gray's apparent supposition that a court is incapable of apprehending a rule. On the other hand, there are rules which in fact determine constitutional procedure in our system, though they have never received judicial sanction, or have received it only incompletely. Indeed, it is demonstrable that in some instances the judicial theory of the constitution has finally thrown up its hands in despair and surrendered to some rule of action of the political branches. Thus, if one will turn to the *Insular Cases*, he will find that at one time at least the court entertained one theory on the question of whether the constitution follows the flag and that Congress followed a quite opposed theory, and he will find further that the court at last surrendered its theory and adopted that of Congress. And it is much the same as to the question of the scope of Congress's powers in the appropriation of money for "the general welfare of the United States." The recent case of *Massachusetts v. Mellon* gives some indications that the court has its own opinion on this matter, and that it is by no means the latitudinarian view which has always been acted upon by Congress; but the same case also shows the court's persuasion that there are times when discretion is the better part of valor, and that the question of the validity of the *Maternity Act* was such an occasion. Neither has the court ever ventured to traverse directly the doctrine that the power of removal is a branch of the executive power of the President, although it has made clear its opinion that this doctrine, viewed simply as a product of the human mind, is distinctly inferior

to its own view that the power of removal is an incident of the power of appointment.

But the second ambiguity lurking in the term constitutional law is even more of a pitfall. It may be described as consisting of the indefiniteness of demarcation of constitutional law from constitutional theory. This indefiniteness furnished, it is hardly necessary to say, the very foundation of Marshall's work as expounder of the constitution, and so it is not surprising that it is best illustrated in some of his opinions. Take, for instance, the case of *McCulloch v. Maryland*. In this case the court ruled that a certain tax which the State of Maryland had levied on certain operations of a branch of the Bank of the United States located in Baltimore was void, as representing a claim on the part of the state of a constitutional power to control or even destroy an instrumentality of the United States government. The opinion is compounded of theories as to the nature of the power to tax, of the intrinsic limits of state power, of the relation of the states to the national government under the constitution, of the nature of the constitution, and of the nature of its source. The constitution, it is asserted, comes from the people of the United States and not the states, and is therefore to be generously construed from the point of view of making it a useful instrument of popular government. Therefore, the terms "necessary and proper," construed in this context, mean simply convenient, and the bank being a convenient fiscal instrument, is an agency of the United States government, beyond the reach of all state powers which might be wielded in a hostile fashion, among such powers being that of taxation, which is a power of destruction. And so on—what part of this argument is constitutional law, what part is constitutional theory?

Judging from the use which the court itself has made at various times of the broader aspects of its own previous utterances, as well as from the practice of commentators, constitutional law should perhaps be defined as my-constitutional-doxo and constitutional theory as your-constitutional-doxo. But this flippant dismissal of the subject would end my paper right here and so must itself be dismissed. What is more important, I must utter

a caution against a possible inclination to regard constitutional theory as a deduction from constitutional law. The truth is rather the exact reverse of this; and particularly is this so within that field of either, which deals with the relationship of the nation and the states. The relation of constitution, constitutional law, and constitutional theory to one another—especially as they affect the problem just mentioned—may be shown diagrammatically—not that a diagram proves anything, except possibly the inability of the maker of it to express himself as well in some other way. You are, then, to conceive the constitution in the formal sense as the nucleus of a set of ideas. Surrounding this and overlapping it to a greater or less extent, is constitutional law, in the formal sense too of a rule of decision. Outside this, finally, but interpenetrating it and underlying it is constitutional theory, which may be defined as the sum total of ideas of some historical standing as to what the constitution is or ought to be. Some of these ideas do actually appear more or less clearly in the written instrument itself; as for example, that interpretation of the doctrine of the separation of powers which yields judicial review; others tend toward solidification in the less fluid mass of constitutional law; and still others remain in a more or less rarefied or gaseous state—the raw materials, nevertheless, from which national policy is wrought. But how wrought? In answering this question let us turn for a moment to the other phase of our subject—the relationship of the nation and the states.

Considered for its final result, the struggle which attended the adoption of the constitution was less a struggle over whether it should be adopted than over the interpretation which should be put upon the act once it was accomplished. The friends of the constitution were for the most part nationalists, and it was they who set the new government in operation. But the other point of view was early formulated in the Virginia and Kentucky Resolutions, which in time became a gloss upon the constitution fully as authoritative as the written instrument itself; and in 1838 the United States Senate adopted by the vote of 31 to 13 a resolution offered by Calhoun which declared the constitution

to be a compact of sovereign states. Meantime, the other point of view had received reiterated statement from the Supreme Bench in the opinions of Chief Justice Marshall, whose greatest service perhaps was just this service of keeping the breath of life in the nationalistic tradition over a critical period. The Civil War, however, restored the idea of the national government as a territorial sovereign, though one of restricted powers. Then, two decades later, the development of industry on a national scale produced an alliance between the principle of nationalism and that of *laissez faire*, which operating through the commerce clause, shattered state control of business. But the commerce clause proved a two-edged sword, and the very precedents which relieved the railroads, for instance, from local regulation became the foundation of national regulation. The result has been a new turn of the kaleidoscope, a new combination of elements of constitutional theory, and some new constitutional law.

Of the issues between those who pose as the champions of nationalism today and those who take up the cudgels for states' rights, the most exigent and interesting one concerns the question of the allocation of the purposes of government in the United States. Both nationalists and states' righters are in general agreement that there are certain large purposes which any system of government should serve. The issue between them is of how these purposes are supposed to be served under the constitution of the United States. The one party holds that the purposes for which the national government may constitutionally exercise its powers are relatively few, and that the ultimate objectives of good government are for the most part, under our system, reserved to the states, whose police power has been defined always as the power to promote the public health, safety, morals and general welfare. The other party answers, however, that while the powers of government are divided in the United States, its broader purposes may be served by each government within the field of its powers, and that the purposes which the police power of the states is designed to serve are by no means reserved exclusively to that power, that it was no thought of the framers of the constitution in erecting a national government

and assigning it certain powers to withdraw those powers from the service of the major objects of civilized society, that the preamble in the constitution itself proves the contrary purpose. The one theory may be termed the theory of competitive federalism; the other, the theory of coöperative federalism.

Just at the present writing it would seem that the competitive theory has the better of it. In interpreting the commerce clause, the Supreme Court has shown itself ready to permit the national government to make vast inroads upon what had been thought to be reserved powers of the states, so long as its object is the promotion of commercial prosperity. On the other hand, as the recent child labor cases show, once the national government operating on the same clause undertakes a program of humanitarian legislation, then the reserved rights of the states become a very grave consideration indeed.

Yet this was not always so. More than a hundred years ago, a national judge, confronted with the states' rights argument of limited national purpose, answered it thus: "The power to regulate commerce is not to be confined to the adoption of measures exclusively beneficial to the commerce itself, or tending to its advantage; but under our system, as in all modern sovereignties, it is also to be considered as an instrument for other purposes of general policy and interest . . . The situation of the United States in ordinary times might render legislative interferences relative to commerce less necessary, but the capacity and power of managing and directing it for the advancement of great national purposes seems an important ingredient of sovereignty." The judge then cited the constitutional clause interdicting a prohibition of the slave trade until 1808. This, said he, proved clearly the view of the framers of the constitution "that under the power to regulate commerce, Congress would be authorized to abridge it in favor of the great principles of humanitarian justice."

Indeed, it was not so very many years ago that the Supreme Court itself, in sustaining the Mann White Slave Act, used the following language: "Our dual form of government has its perplexities, state and nation having different spheres of jurisdic-

tion . . . but it must be kept in mind that we are one people, and the powers reserved to the states and those conferred on the nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare material and moral." A better statement of the coöperative theory of the federal relationship could not be asked for.

So much for the national view-point; now for that of states' rights. It will be found underlying Chief Justice Taft's explanation, in the recent case of *Bailey v. The Drexel Furniture Company*, of the earlier decision in *Hammer v. Dagenhart*, in which the first Child Labor Act was held void. "When Congress," says the Chief Justice, "threatened to stop inter-state commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a state in order to coerce them into compliance with Congress's regulation of state concerns, the court said this was not in fact a regulation of interstate commerce, but rather that of state concerns, and was invalid." "State concerns," "unobjectionable subjects of transportation"—in other words. Congress may prevent child labor from injuring transportation, but not *vice versa*.

Let us now turn back to the other phase of the topic announced: constitution v. constitutional theory. What I have been doing obviously is to seize the occasion to indoctrinate you with my favorite brand of constitutional theory on a certain current issue, while illustrating the relation of constitutional theory to the constitution and to constitutional law. But at this point I am likely to be met with an objection which, in the very act of anticipating it, I shall endeavor to appease. This will be that the real stimulus to the development of constitutional law comes not from constitutional theory, but from considerations of public policy, themselves the outgrowth of social change, and that the relationship of constitutional theory to such considerations, like that of constitutional law, is a purely instrumental one. Indeed, the objector may speak more bluntly, and declare that the judges are often at least the partisans of identifiable economic interests, and that precedent and theory are only a

camouflage in the shadow of, which matters of choice take on the delusive appearance of inevitability.

No student would care to deny altogether the force of these views. A full explanation of the growth of American constitutional law must recognize that the relatively compact universe of constitutional theory is bathed in a vastly wider atmosphere of social and economic activity, athwart which are constantly blowing the winds of change, set loose no man knows how. Here is the very realm of the "inarticulate major premise" of which Justice Holmes has spoken. Nor is Justice Holmes's the voice in the wilderness that it was once. Nowadays almost everybody admits, however grudgingly, that the judges make law, and that not merely in the sense of adding to or subtracting from the supposititious intention of a more or less supposititious law-giver, but also in the sense of determining such additions and subtractions by their own preferences. Those, therefore, have a certain amount of truth on their side who would make legal history a side issue of judicial biography.

Yet granting all this, does constitutional theory—by which I mean, let me repeat in substance, those generalized, and often conflicting views of what the constitution is or ought to be, which are often as old as the constitution itself—does constitutional theory in this sense lose its significance? Certainly not altogether; and in one respect it takes on a new importance. I refer again to the matter of judicial legislation. The question nowadays is not so much whether the judges do make law, but rather the extent of such law-making, a question which arises from the extremely elusive character of judicial legislation. How is it that intelligent judges can deny to this day that they do make law? In the field of our constitutional law the answer is furnished in great part by the relationship which I have already pictured as existing between constitutional law and theory. Almost from the beginning, as we have seen, two theories have been going as to the relationship of the states and the national government under the constitution. Each theory in turn has enjoyed its period of predominant influence with the court, and each in consequence has back of it a respectable line of



supporting precedents. It results that when the court comes to deciding issues along the line which divides national and state power today, it finds itself in an extremely comfortable position. It has a free choice between two lines of precedents, so that once its choice is made, it becomes assimilated to the one or the other of these lines, and every appearance of choice is thus automatically occulted. In the words of Montesquieu, "The judges are but the mouthpieces of the law."

In short, the existence of certain standardized, but conflicting views of the constitution both confers upon the judges perfect freedom of decision where the issue before them is one that can be stated in the terms of such views, and at the same time sets up a defence against any attack based on conventional notions of judicial function, which it is extremely difficult to break down. When John Randolph declared of one of Marshall's decisions, "All wrong, all wrong, but no man in the United States can say wherein wrong," he was only expressing the sense of bafflement that many other critics of judicial decisions have felt.

The question, however, remains whether the average judge takes quite so sophisticated an attitude toward constitutional theory; and on that point I venture to express a strong doubt. The average Supreme Court judge, I believe, takes his constitutional theory very seriously. As Justice Holmes has observed from a long experience of judges, "They are apt to be naïf, simple-minded men, with little of the spirit of Mephistopheles." To them such phrases as the separation of powers, check and balance, judicial independence, national supremacy, states' rights, freedom of contract, vested rights, police power, not only express important realities, they *are* realities—they are forms of thought with a vitality and validity of their own. Nor is it anything to the point that many of these ideas, when pressed to their logical extremes collide with others of them. The most ordinary function of a high court is to demark the limits of jurisdiction of conflicting principles of law. In the field of constitutional law the court may well feel that its highest duty is so to adjust the claims of contradictory ideas as to prevent either from being crowded to the wall.

Nor is this the whole case for the importance of constitutional theory as a determinant of constitutional law, and so of the constitution itself as a factor of every-day life. The further point I have in mind has been so well put by Sir Henry Maine, that I quote his words: "Nothing in law," says he, "springs entirely from a sense of convenience. There are always certain ideas existing antecedently on which the sense of convenience works, and of which it can do no more than form some new combination; and to find these ideas . . . is exactly the problem." Thus, in many instances, ideas inherited from the past furnish the mould of present policy, which takes shape and direction from them, and may in fact be entirely transformed by them. Take, for example, the Eighteenth Amendment. This makes prohibition a national policy; but in the very act of doing so, it subjects this policy to the general procedure of the constitution, which is to say, of the constitution as it has been interpreted to date. The final result may be to mitigate the original policy very decidedly. The enactment of a law is only the first step—often a comparatively unimportant step—in the *making* of a law; and one of the conditions to which the new law must accommodate itself is existing forms of thought on legal subjects.

These observations bring us into contact once more with the other phase of our subject. Two questions suggest themselves: first, whether it would not be a good thing if constitutional theory could be abolished; secondly what effect its abolition would have on the question of the relation of national and state power? Toward the end of the nineteenth century a school of German theologians, which had its followers in this country, announced it to be their programme to get rid of what they called the incubus of the Pauline theology. Their argument was that while the authentic message of Christianity was as vital as ever, the harsh, stiff concepts of the Pauline teaching were unadjustable to modern needs and that, therefore, if Christianity was to survive, the screen which the Pauline theology obtruded between the modern believer and the pure faith must be kicked away. Might not a similar Puritanism be summoned to the

defence of the constitution and against the gloss of constitutional theory that so often encumbers its provisions?

It is certainly true that the maxims which the courts have built up to guide them in the construction of laws and constitutions owe far too much to their work of construction in other and quite different fields where the public interest was not involved. A maxim especially in point in this connection is that which says that the court must give effect to the will of the law-giver. This maxim comes straight from the law of Wills. Naturally the intention which should govern the application of a will is that of its maker, although he is dead before the task of ascertaining his intention arises. But is there any reason why the intention of a law-maker, as distinct from that of the law itself should govern the law's interpretation? To be sure, the law-maker is dead the moment the statute is made; that particular law-maker—that is to say, that particular congeries, or consensus of individual wills—will never in all probability function again, legislatively or otherwise. Is there, however, any reason why weight should be given in the interpretation of the law to the fact that such a law-giver did for one single instant flash into existence and then with equal celerity pass into an unrecoverable oblivion?

Yet it is this maxim that the intention of the law-maker governs which has always been the principal, if not the sole viaduct, so to speak, between the constitution and constitutional theory. Constitutional theories the most contradictory have from the first claimed the attention of the official interpreters of the constitution on the score of representing the real honest-to-goodness intentions of the framers of the constitution, or if not of its framers, then of those who adopted it. Fortunately, the court has not always treated such arguments as relevant. Marshall in his opinion in *Gibbons v. Ogden* thought they should be heeded very rarely—though at other times his attitude is rather different. Not so many years ago the court dismissed an appeal to the intention of the framers in these brusque words: "The reasons which may have caused the framers of the Constitution to repose the power to regulate inter-state commerce in Congress do not . . . affect or limit the extent of the power itself."

And is not this the position which the court ought always to take in this year of grace, one hundred and thirty-five years after the framing of the Constitution? As a *document* the Constitution came from its framers, and its elaboration was an event of the greatest historical interest, but as a *law* the Constitution comes from and derives all its force from the people of the United States of this day and hour. In the words of the preamble, "We, the people of the United States, *do* ordain and establish this Constitution"—not *did* ordain and establish. The Constitution is thus always in contact with the source of its being—it is a living statute, to be interpreted in the light of living conditions. Resistance it offers to the too easy triumph of social forces, but it is only the resistance of its words when they have been fairly construed from a point of view which is sympathetic with the aspirations of the existing generation of American people, rather than that which is furnished by concern for theories as to what was intended by a generation long since dissolved into its native dust.

Finally, let me put the question, what would result from such a procedure to the notion that the constitution excludes the national government from the main purposes of good government? It can be confidently answered that this notion would fall and dwindle by the wayside. Again, the preamble is in point; for where could a better statement be found of the wider objectives sought by good government the world over, "to promote justice, insure domestic tranquillity, provide for the common defence and the general welfare?" Nor is this to say that the preamble is a grant of power; it is simply a catalogue of the ultimate ends to be served by the powers granted in the constitution itself. No gloss derived from speculative theories about the nature of the Union should have ever been permitted to obscure its clear import.

Furthermore, is it not laid down in numerous cases that the purpose for which a legislature exercises its powers is a question of policy which no court is entitled to decide? The attempt, therefore, to apportion the general purposes of government between the national government and the states runs counter

to a once-settled rule of constitutional law. Nor should we forget that, unlike certain specific clauses of the written constitution—the due process clause, for instance—the division of powers between the states and the nation which the constitution sets up does not exist primarily for the protection of private interests but for public benefit—a matter also for legislatures and not for courts. Indeed, if we were to apply in the field of the relation of the national government and the states the full doctrine of political questions, judicial review must cease altogether in this field. This is so because a political question is one primarily over conflicting claims of sovereignty, with the result that when Congress has passed its act, the “political departments” having spoken, their verdict becomes *res adjudicata* and binding on the courts. No doubt, this jurisdiction is too well established to be challenged today; but at least it is questionable if it should be extended. What justifies itself by precedent should observe the limits set by precedent.

These considerations are no doubt irrelevant to the main argument and indeed are added only for good measure. The main argument may be summarized thus: For many practical purposes the *constitution* is the judicial version of it—*constitutional law*. The latter in turn derives in no small part from speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean—*constitutional theory*. Such ideas, nevertheless, whatever their historical basis—and that is frequently most precarious—have no application to the main business of constitutional interpretation, which is to keep the constitution adjusted to the advancing needs of the time. On the contrary, they frequently contribute to rendering the written instrument rigid and inflexible far beyond what is the reasonable consequence of its terms. The proper point of view from which to approach the task of interpreting the constitution is that of regarding it as a living statute, palpitating with the purpose of the hour, reenacted with every waking breath of the American people, whose primitive right to determine their institutions is its sole claim to validity as a law and as the matrix of laws under our system.

As an illustration of the artificial difficulties created by reliance upon constitutional theory I have instanced the recently developed doctrine of the court that the national government may use its powers only in the service of certain very restricted interests—a theory which clearly underlies the recent Child Labor cases. The doctrine is a solecism and flies in the very face of the preamble of the constitution. But furthermore, constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators. Lastly, had time permitted, I might have run over some older precedents of constitutional law, and have pointed out how essential it is that they should be rectified and how the task of their rectification would be assisted if the court would but brush aside obscuring theories and read the textual constitution afresh. Thus, the foundation of constitutional tax exemption is almost entirely doctrinal. When the written constitution relieves anybody from the ordinary duties of citizenship it is quite explicit on the point. But if there still must be an appeal to the framers of the constitution, let it be Marshall's appeal: "The constitution [was] intended to endure for ages, and consequently to be adapted to the various crises of human affairs."

## COMMENT ON MR. CORWIN'S PAPER

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The function of the discussor of a paper is, I take it, like that of Antony at the funeral of Caesar: to bury Corwin, not to praise him. Unfortunately Mr. Corwin has been wanting in the good intentions to pave the way for such a sepulchral performance on my part. He has himself recognized the force of the objections which I would urge to the first half of his paper, had that been all of it, and he has made clear that we cannot tell to what extent constitutional theory is a crutch grabbed to help a wayfarer hobble on to his chosen journey's end, and to what extent it is like a flood or a landslide which sweeps a passive person willy-nilly along its own appointed way. Even worse than this, Mr. Corwin confesses that his game is to indoctrinate his hearers with his own preferred brand of constitutional theory. How can one expose a confidence man who takes us all into his confidence like this? If Mr. Corwin's heart were not as hard as his head, he might have shown more sympathy for his commentator and left him a few soft spots where he might dig in with his intellectual toes.

Mr. Corwin is to be thanked for emphasizing that constitutional theory as commonly preached is not derived by induction from the particularities of constitutional law. Its glowing generalities endow discussion with more heat than light. The holy name of states' rights is easily forgotten when employers wish their laborers sober and unctuously invoked when they wish their laborers young. The name is a name to conjure with only when convenient. Similar sins of contradiction are committed in the name of individual liberty. There is much silly constitutional theory about the power of the Supreme Court over legislation. It gives us lovely pictures of a clear and unmistakable will entertained by some mythical sovereign at some remote date and expressed so lucidly in the words "due process of law" that only four out of nine judges can possibly be blind to it. We can dismiss all such constitutional theory as imbecile, but we cannot dismiss it as impotent. Without doubt it often raises emotional mists before the eyes of men

and judges and leaves them incapable of realistic analysis of the competing practicalities in the situations before them for judgment. Mr. Corwin complains that "constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators." I add to this the further lament that thereby judges may dodge not only the responsibilities of legislators, but also the inquiry, the analysis and the judgment by which alone may legislation command confidence.

Most of our constitutional clauses are couched in such broad language that courts are fairly free to decide most issues as they think best. The formulae which judges have evolved to amplify the constitutional language are usually as latitudinarian as the writing on the original parchment. In answering questions arising under such clauses or formulae, no invocation of amorphous abstractions or of broad generalizations can amount to the giving of a reason. Yet the opinions are all too full of such abstractions and generalizations and all too empty of practical reasons. If we had to take our constitutional law from what the court says, we should find it as a whole a conglomeration of contradictions. Only by careful consideration of what the court does and of the situations to which it does it, can we get any appreciable order out of the doctrinal chaos. If we view the judicial product as a congeries of particular judgments, we find that the judicial record for wisdom is highly respectable. The decisions most widely condemned as blunders are customarily accompanied by an undue infusion of unwarranted constitutional or economic theorizing in the opinions.

I fully agree with Mr. Corwin as to the unwise use often made of what he calls "speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean." I agree that when such ideas are purely "speculative" they have, as he says, "no application to the main business of constitutional interpretation." I come close to agreeing that this main business "is to keep the constitution adjusted to the advancing needs of the time." I pause, however, when I come to his conception of the constitution as a "living statute, palpitating with the purposes of the hour" and "reënacted with every waking breath of the American people." Yet I am not sure just how many jots and tittles I would subtract. I do feel that judges owe some respect to things as they were in the beginning. The pretended national taxation of oleomargarine, narcotics, child labor and grain futures was a decided departure from what was bargained for in 1787. In my judgment such acts merit judicial vetoes



whenever on the face of the statute the court can find palpable proof of the exercise of broad police power. Whether the Income Tax cases fall in the same category is more doubtful. The denunciation of them did not emanate from the underlying idea of the apportionment clause. My speculative notion of what the framers intended is that recurring and unescapable taxes on property should be subject to the apportionment check. In all substance, income taxes on rents and interest and dividends are in most cases pretty close to taxes on the capital property. The critics of the Income Tax cases were animated by a judgment that the conditions underlying the original bargain had passed away, as indeed they had. Here, then, was a situation where there was a sharp conflict between the past and the present. The court kept faith with the past, but the faith was no longer the faith of the contractors. It was mainly the hope of the recipients of income. The gods which the decision worshipped were private gods and not public gods.

This brings me to my final doubts as to whether I really disagree with Mr. Corwin at all. The bargainers who made the original federal compact hailed from states which only in name are the same states today. These states have added to their number nearly three times their original company. These junior sisters joined the family without any real reliance on judicial preservation of the ideas and sentiments of 1787. Any notion that they were contractual privies to the original thirteen would be pure fancy. As territorial children tied to the apron-strings of the national mother, they got restive as they got stronger and they eagerly substituted comparative emancipation for their previous condition of complete subordination. They would gladly have joined the union one by one whatever their anticipations about Supreme Court sanction of departures from the anticipations of the framers and the ratifiers. To speak of territories or states as anticipators in any sense is to use a tricky figure of speech. A few folks pulled the wires that turned a territory into a state, and these folks didn't think in terms of an earlier solemn compact to which the about-to-be-created state would become an adherent. The rest of the folks then affected probably did not think about the matter at all. There were no solemn contractual reservations of a mythical *status quo ante* for the benefit of generations yet unborn. No existing human animal as a citizen of some present-day state ever entered into his relations with government on the faith that the Supreme Court would continually try to think the thoughts that James Madison or Melancthon Smith, or any other man of 1787 or 1788, might have thought. Nor did any of these ancient thinkers put their

preferences into a perpetual trust fund and endow us as their heirs with vested equitable interests therein. All talk in analogies of contract law and property law is just sheer make-believe. Distinctly state interests are adequately safeguarded by equality of representation in the Senate and by the fact that the folks who send representatives to the national legislature are folks who dwell in the several states.

So you see that Mr. Corwin has me tottering. My feeble effort to dissent may be the product of some aesthetic leanings toward intellectually harmonious development of the original plan. My appeal to intellectual morality in invoking a duty to keep faith with the past may be merely the struggle of a vestigial Puritan conscience to save itself from complete annihilation. Perhaps also I shrink from Mr. Corwin's chaotic conception of the scope of national power because it threatens a revolt against the throne of constitutional knowledge whence cometh my daily dole. I cannot swallow whole a contention that the Supreme Court should let Congress do anything that is a good thing to do, but I feel myself slipping fast toward substantial accord with the position against which I started out to caution you. I know that it is not the states which care for states' rights. It is folks, and almost always folks who want freedom to harm their fellows. When there are sound pragmatic arguments against new extensions of national power, there is no need to prate of states' rights. Mr. Corwin has persuaded me to look with tolerance upon a constitutional theory that will let us write into the constitution all the wisdom that the words will permit. I warn him, however, that not from constitutional theory will come the wisdom to guide our writing. If he stills the winds of foolish doctrine, he must give us in their place some guides to the way of wisdom in making an indefinite series of practical judgments. The job cannot be done by substituting new doctrine for old. If Mr. Corwin is to be the Moses to lead us from the land of the Constitution as our Fathers knew it, may he also be the Joshua to encompass the Jericho of ensuing uncertainties and to supervise the blowing of horns until the walls shall fall down flat.

## LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

**Governors' Messages.**<sup>1</sup> The illogical position of a newly elected executive when called upon to give information regarding the condition of the state and make recommendations to members of a legislature, many of whom may have served the state for years, is recognized by a number of the present governors.

*Taxation.* One need not read far in any message as a rule, to discover that the states are hungering for money,—that making both ends meet seems to be an almost perennial problem before these units of government, but one is relieved of a taste of sordidness by an acquaintance with the activities continuously performed by their agencies.

Governor Branch of Indiana, aside from his opposition to tax-free bonds, is satisfied with the tax law of the state as "one of the best, not only in Indiana, but in any other state." Governor Small would uncover by some means the hidden wealth of Illinois and subject it to taxation. In Iowa, Governor Kendall leans toward a graduated tax on railroads and, in order to secure the listing of intangible personality, he would require the petition, in all actions upon notes and mortgages, to contain a verified allegation that the evidence of indebtedness had been reported for taxation. The incoming governor, Hammill, believes that further efforts to tax intangibles are futile, and that taxes on incomes and business earnings must supplement or take the place of the general property tax.

Governor Preus of Minnesota notes that the ad valorem tax and the occupation tax levied in 1921 upon iron ore represent more than forty per cent of the average net value of the ore. In Nebraska, Governor Bryan favors the repeal of the intangible tax law of 1921, providing for

<sup>1</sup> Messages from both retiring and incoming governors were received for Maine, Delaware, Arkansas, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, and Washington. No messages have been secured for the regular legislative sessions in Louisiana, May, 1924, and in Georgia, June, 1924, nor from Governor John H. Trumbull of Connecticut, who succeeded Governor Bingham almost immediately after the latter's inauguration, or Governor Howard M. Gore, of West Virginia, who took office in March.

the assessment of this kind of property at one-fourth of its value; and he opposes special mill levies and any increase in taxes, especially a tax on gasoline. The latter tax is recommended by the incoming governor, McMullen, along with a reduction in automobile license fees and an amendment of the intangible tax law, either in the classification feature, or in the rate of the tax. The legislature of Kansas is cautioned by Governor Paulen in the exercise of the power to classify certain kinds of property for taxation, as permitted by a constitutional amendment of 1924, and is advised to levy a gasoline tax.

Governor Sweet of Colorado proposes an income tax, a severance tax on mineral products and an increase in the gasoline tax. Governor Gunderson of South Dakota asks for additional penalties to enforce the money and credits tax, a capital stock tax on corporations, and a gross earnings tax on railroads. In North Dakota, both the retiring governor, Nestos, and the incoming governor, Sorlie, would increase the gasoline tax; as would also Governors Terral of Arkansas and Winant of New Hampshire. Apparently either the imposition or increase of this tax would please governors Hammill, Blaine, Brewster, Ferguson, and Fuller. An additional effort to reach the wealth of industrial corporations is advised by Governor Ross of Wyoming, as she notes an increase of \$11,000,000 in railroad valuation by the board of equalization.

In the state of Washington, Governor Hartley favors a state board of tax commissioners, with adequate power over assessments, before making any other changes in the revenue laws. In the opinion of Governor Pierce, the repeal of the Oregon income tax was brought about by an expensive and misleading propaganda. He decries the unjust assessment of property, as indicated by the reduction of the tax roll of Multnomah County, exclusive of utilities, by \$14,000,000, in the preceeding eleven years. He would free property from direct state taxes, would introduce a severance tax on all natural resources, and restore the tax supervising commissions for each county, appointed by the governor under a law of 1923, later held to be unconstitutional. These commissions, the governor thinks, would have saved the people \$2,000,000.

Governor Scrugham of Nevada would exempt automobiles from the personal property tax, and increase the gasoline tax to three cents. The latter move is also favored by Governor Hannett of New Mexico, as well as the imposition of tobacco and other sales taxes and the amendment of the present inadequate delinquent tax law, under which an enormous amount of tax is uncollected. The governor's plan is to authorize the state tax commission to employ attorneys, whose fees

would be placed on a percentage basis and assessed as costs against the delinquent owners. District attorneys are now empowered to force collection, but have proved unsuccessful. The governor would repeal the poll and road taxes as impracticable.

In the opinion of Governor Silzer of New Jersey, the inheritance tax, from which nearly one-half of that state's revenues are derived, should be left by the national government to the states. In New Hampshire the courts have embarrassed the state by invalidating the legacy tax of 1919 and, in substance, the inheritance tax of 1923. Governor Brewster of Maine thinks a strengthening of the laws in order to reach more intangible property better than a change in the tax. The income tax is opposed by Governor Billings of Vermont, who points to the recent action of Florida and Oregon, and submits a proposal for a tax on the gross earnings of water power companies.

In West Virginia, Governor Morgan thinks constitutional permission for the taxation of personal property should be secured. Governor McLeod of South Carolina commends a tax on soft drinks and the correction of gross inequalities in assessments, especially on vacant town and city lots. Governor Peay of Tennessee favors an amendment of the constitution to permit the assessment of personalty and franchises on the basis of combined value and income, as well as an increase of the gasoline tax and a tax on tobacco. The latter form of tax is also approved by Governor Ferguson of Texas.

Governor McCrae asserts that everywhere in Arkansas the grossest inequalities in the assessment exist. He denounces the township system of equalization, substituted for the county system in 1917, and favors a return to county boards of equalization, with more adequate powers, and less political in constitution. He advocates assessment at full value, the modification of the state income tax to correspond to the form of the federal law and the creation of a single state agency for the collection of state taxes, saying of the ex-officio collectors: "They are confessedly interested in securing the administration of the tax laws for purposes of politics and patronage."

*Appropriations and Budgets.* The problem of satisfactory budget and appropriations practice receives considerable attention in the messages. In recent years, the governors generally seem more appreciative of the value of approved methods in this field than they have been in the past.

In Pennsylvania, Governor Pinchot credits the department of state and finance with such intelligent foresight and such effective control in

the first budget ever made in that state that deficiency appropriations have practically disappeared, although they amounted to nearly \$7,000,000 in 1921. Governor Branch of Indiana, explaining that the estimates were reduced \$14,000,000 the first year, recommends the appointment by the governor of a committee of four from the legislature to advise with the budget clerk, and also the inclusion of all state departments under budget control. High commendation is bestowed on the work of the Iowa budget director by Governor Kendall. The operation of the Tennessee 1923 budget law receives approval at the hands of Governor Peay, who urges the abolition of all continuing appropriations.

Governor Smith of New York renews his efforts for a constitutional provision for an executive budget system and the prohibition of unrecommended appropriations until the governor's recommendations shall have been considered. Governor Baker of Missouri calls for the creation of a budget system similar to that of the federal government. In West Virginia, Governor Morgan, while agreeing that the board of public works is a better budget agency than the legislative committees, presents an argument for an executive budget and suggests a constitutional amendment to that end. For North Carolina, Governor McLean urges an executive budget commission functioning continuously, with enlarged power, instead of the present legislative commission. Governor Pothier of Rhode Island recommends the creation of a budget agency independent of any expending department. Governor Gunderson of South Dakota would substitute an executive budget for the present budget board. Governor Hartley of Washington believes in an executive budget to be prepared for the governor by the state department of efficiency instead of by expending officials, an ex-officio board, or legislative committees. In Montana, Governor Erickson recommends itemized appropriations and a new budget law that will not only control state expenditures but also check the disbursements of counties, cities and school districts.

In New Jersey, Governor Silzer, in reducing the requested appropriation for legislative employees, suggests that the legislature might find it more convenient to be served by qualified persons rather than by those who know nothing about their duties, care less and many of whom are seldom present. He also insists that all state funds be paid into the treasury.

Governor Baxter would amend the Maine constitution to prevent the appropriation of public money to any private institution. He,

and the incoming governor, Brewster, consider the contingent fund, established a decade ago, unwise; and the latter opposes continuing appropriations.

In Wisconsin, Governor Blaine advises that all indefinite and unlimited appropriations be restricted to meet unforeseen emergencies only. Governor Bryan of Nebraska would require a specific appropriation for every outlay, and would deposit all receipts in the general fund, as would also Governor Pierce of Oregon.

Governor Terral of Arkansas demands of the legislature conformity with the constitutional requirement of itemization and notifies the members that if the institutions should suffer because of a veto due to its failure, theirs would be the blame. The legislature of Colorado is urged by Governor Sweet to take control of the spending agencies now removed from its power, as the appropriations from the general funds constitute only about twenty-five per cent of the state expenditures. The budgeting of certain special funds is also urged on the Utah legislature by Governor Dern. Continuing appropriations are condemned by Governor Moore of Idaho.

An inventory of permanent improvements and capital expenditures is advocated by Governor Pothier of Rhode Island; and substantially the same by Winant of New Hampshire and Branch of Indiana.

*State Reorganization.* Plans for administrative reorganization were proposed in several states; and partial modifications are urged in many messages. Governor Smith of New York advocates a four-year term for the governor, and in a special message proposes further consolidations in connection with a constitutional amendment to group the state administration in twenty-one departments. Governor Christianson commends to the attention of the Minnesota legislature a proposal to consolidate 92 agencies into a few departments and to give the governor power to limit the expenditures through a department of administrative and financial control, with budget making, purchasing, auditing, tax regulating and personnel selecting functions.

In submitting the report of a survey on administrative reorganization, Governor Scrugham, of Nevada, says: "Private business is certainly organized on a plan which fixes responsibility on an individual who has the appointment and control of his co-workers. Without doubt such an organization produces a maximum of business efficiency . . . it is not certain that a complete change to private corporation practice would necessarily operate in public affairs."

General reorganization for Oregon is approved by Governor Pierce;

and Governor Gunderson of South Dakota, following the plan of an advisory commission which reported in 1923, proposes the consolidation of fourteen agencies under a department of agriculture and of others under a department of finance.

In Arkansas, Governor McCrae believes that better men can be secured for honorary boards than for paid boards. But his successor, Terral, recommends a highway board of three paid members and desires a paid charities and corrections board of three, to be appointed by the governor, in place of eleven unpaid boards and commissions with a total membership of 63. In Arizona, Governor Hunt seeks complete responsibility for the appointment of administrative officers. For Colorado, Governor Sweet advocates a four-year term for the governor; also a civil pension system for state officers and employees, and a director of finance, appointed by the chief executive to pass upon all bills as they are contracted, a thorough control over the traveling expenses of state employees and a central mailing office to prevent the use of departmental facilities by candidates for reelection. The incoming governor, Morley, recommends the abolition of the state tax commission (there is a board of equalization also); the repeal of several regulatory laws (such as those for boiler inspection and examination of horseshoers) and the elimination of the enforcement agencies.

Governor Bryan of Nebraska criticizes the previous legislature for failure to eliminate duplications and complexities in the administrative departments. He renews his plan of 1923 to have the governor appoint administrative subordinates, and claims to have reorganized the activities under his supervision until little of the "code" arrangement remains. Separate departments for banking and insurance are proposed, the departments of agriculture and public welfare to be abolished and their functions distributed elsewhere. In Kansas, Governor Paulen recommends for the state educational institutions an unpaid board of seven or nine, appointed by the governor for seven to nine years, in place of the small paid board, whose functions include also the charitable and penal institutions, but would retain the business manager.

In Iowa, Governor Kendall claims for the reorganized department of agriculture the performance of vastly more acceptable service at less than half the previous cost. Governor Small, of Illinois, advocates the addition of two new code departments. A central board of control for Indiana institutions meets the warm disapproval of Governor Branch, who insists that the members would be more interested in drawing their salaries than in the institutions.



Governor McLean of North Carolina admits that there exists no central organization in that state, and that no adequate control is lodged anywhere. He holds that the number of elective officers must be reduced if democracy is to produce efficiency.

In North Dakota. Governor Nestos favors a four-year term for all officials of the state and its subdivisions. His successor, Sorlie, recommends quadrennial sessions of the legislature and wishes to appoint a state efficiency expert with extended powers of investigation.

In Maine, Governor Baxter expresses appreciation of the executive council; and Governor Fuller favors biennial sessions of the Massachusetts legislature. Governor Pothier of Rhode Island desires to give the larger cities increased representation in the senate, and would abolish property qualifications for voting for elective officers in cities. Governor Denny of Delaware favors a constitutional amendment to enlarge the representation of the city of Wilmington in the legislature.

Governor Morgan of West Virginia disapproves of the split session of the legislature, and asserts that the chief results have been inconvenience to the legislators and added burdens to the taxpayers. Governor Terral of Arkansas urges the legislature to limit its employees by law to 35 for each house, and to impose a fine of \$500 upon the president or the speaker for every warrant issued to an employee in excess of that number.

Both Governors Smith of New York and Paulen of Kansas would take an advisory vote of the people on the child labor amendment to the constitution of the United States; and the latter favors this procedure on all future amendments. Governor Smith advocates the initiative for amending the state constitution; and notes that the adoption of the home rule amendment has relieved the pressure on the legislature and lessened the interference of the legislature in purely local affairs. Governor Blaine of Wisconsin advises concurrence by the present legislature in proposed constitutional amendments providing for the initiative, the referendum and the recall and home rule for towns, villages, cities, and counties.

Governor Silzer of New Jersey asks for authority to remove, after charges and a hearing, all members of any state board appointed by him, and also all judges of district courts. Branch suggests that the governor of Indiana be empowered to remove from office any law enforcing official who refuses to do his duty. Baker of Missouri would like authority to remove any county or city officer, after formal complaint has been made of failure to perform his duty. Donahey of Ohio

reports during his first term the removal of two mayors, a director of public service and a chief of police. He would exempt the last office from civil service law protection as against the mayor.

Pothier believes the sheriffs of Rhode Island should be elected by the voters of the counties instead of by the legislature, but also favors the creation of a bureau of investigation manned by trained detectives in the attorney general's department.

Several governors consider the pardon power. Pinchot points out that the board of pardons in Pennsylvania in 1914 granted 59.5 per cent of the pardons applied for; in 1921, 31 per cent; in 1922, 32 per cent; and the average for ten years was 34.4 per cent; while thus far in his administration only 28 per cent of the applications have been granted. Ferguson of Texas forecasts a liberal pardon policy, but asks that applications for pardon be based on physical condition and prison record rather than upon supposed political influence. Sweet asserts that the pardon power requires more of the governor of Colorado's time than any other activity. McLean would amend the constitution of North Carolina to grant the pardoning power to a board instead of to the governor. Bryan of Nebraska considers that the practice of trial judges in Nebraska in giving sentences of from one to twenty years for most offences is unfair to the board of pardons and paroles, as on the expiration of a year, with good behavior, the prisoner, his friends and attorneys besiege the board for clemency. He would also amend the procedural law to allow the judge to discuss the evidence for the jury. On the other hand the retention of the indeterminate sentence law is recommended by Governor Peay of Tennessee; and the enactment of such a law is recommended by Governors McLeod and Blaine of South Carolina and Wisconsin.

*State and Local Relations.* More attention than formerly is given to the relations between the organs of state government and local authorities, and some phases of administrative control over local officials and activities seem to be steadily gaining in favor.

Further restrictions upon local borrowing powers in Massachusetts are favored by Governor Fuller, who would allow indebtedness beyond the statutory limit only if an initial contribution be made from current income. He believes a classification of municipalities on the basis of assessed valuation and a corresponding classification in the application of the borrowing statutes, would result in a more systematic financing of public improvements and materially lessen the period of loans. Governor Baxter of Maine thinks the local communities should be

forced to bear their own burdens for the care of the poor and the sick, because of the local knowledge of conditions and local self-interest in keeping down expenses. This recommendation is seconded by Governor Brewster in approving the assessment of a fair portion of the expense of caring for defectives upon the communities from which they come. Of course this practice is not unusual. An appeal from the decision of the local authorities in New Jersey to a state board in the matter of expenditures, budget-making, or the issue of bonds, would meet the approval of Governor Silzer. A similar plan to control bond issues in North Dakota, and the requirement of serial bonds, appear wise to Governor Nestos.

Governor Donahey of Ohio would give the people of each taxing district direct and full control over future increases of tax levies, debts, and sources of revenue, and promises to veto any attempt to authorize additional local taxes without the approval of the electorate. In Tennessee, Governor Peay promises to veto any act authorizing a new county or municipal bond issue unless provision is made for a popular vote; and provision for a similar procedure is urged by Governor Hartley of Washington. If Governor Christianson of Minnesota has his way, bond issues by municipal governments, except for refunding purposes, will be voided unless they carry in irrevocable tax levy for an adequate sinking fund.

No contract should be awarded for any new high school building or for the material alteration of an old one in West Virginia, until after the approval of the state board of control, in Governor Morgan's opinion. The laxity of accounting methods in the county governments of North Carolina is attributed by Governor McLean to a system of government unadapted to present needs. He would fix by general law simple standards of administration and accounting.

Governor McCrae of Arkansas would forbid counties, school districts and cities to issue warrants or incur obligations in excess of current income, and make the violation of such prohibition a criminal act. Trapp of Oklahoma thinks that a nonsalaried board of freeholders, popularly elected and equipped with the requisite powers, would check the useless expenditures of money by the present county excise boards now authorized to act as appropriating and spending officials. The compulsory adoption and publication of a budget by county, school district, and city officials prior to the levy of any tax, is recommended by Governor Ross of Wyoming as a means of encouraging economy.

*Elections.* The direct primary is both criticized and defended.

Governor Branch would make the present Indiana law optional with localities and compulsory for the selection of delegates to state conventions which would nominate state tickets. He would amend the absent voters' law to eliminate frauds. The new governor, Jackson, however, does not believe the demand for repeal comes from the rank and file of the voters. Governor Paulen of Kansas favors a state convention of delegates from county conventions to nominate candidates for state offices with the exception of the governor.

In Maine, Governor Baxter believes that former political leaders who have been deprived of power by the direct primary are making an attack upon it, as a system under which party manipulations have been discarded and the people have come into their own. Governor Brewster of the same state also praises the primary and would require party enrollment to prevent participation in the party primary of its too recent adherents. Governor Richardson of California thinks that the primary has again proved its value in the recent election, and has permitted him to conduct the affairs of the state on a business basis, since under it no pledges to any political machine are necessary for success.

Governor Donahey of Ohio would broaden the primary system to permit voters of no party affiliation, or those unwilling to state publicly their affiliation, to participate in the nominating of candidates, and would enable bona fide groups of voters other than the parties to have watchers at the polls. He believes quadrennial registration sufficiently frequent for cities now having it annually, and favors permanent registration where it is now quadrennial. In Rhode Island, Governor Pothier would provide biennial instead of annual registration, and also a revision of the general caucus laws to compel the use of the secret ballot and to allow sufficient time for voting.

The legislature of Missouri has been authorized by a constitutional amendment to enact a registration law for counties of over 100,000 population and in cities of over 10,000 population. Governor McCrae of Arkansas favors the consolidation of state and congressional elections and a run-off primary for offices where no candidate has received a majority.

Governor Morley of Colorado would prevent the adherents of one party from voting in the primary of another party by means of party enrollment. Hunt of Arizona advises a presidential primary law and a revision of the registration system to lessen the cost. Governor Hannett of New Mexico says the laws for the registration of voters and for elections are so loosely drawn that they invite fraud; and he favors

personal registration, the office group ballot and the direct primary. In Utah, Governor Dern favors a plan, sponsored by the state bar association, under which judicial candidates will be elected on a separate ballot with the names in alphabetical order without party designation, will be prohibited from making campaign contributions and may hold office during good behavior.

Governor Fuller of Massachusetts believes the corrupt practices act should be revised to prevent large expenditures either by a candidate or in his behalf. Smith of New York would publish before election the statements of candidates' expenditures now required to be filed after election, and would restore the primary for the nomination of candidates for state office. Silzer of New Jersey would abolish the bureau of elections for Hudson and Essex counties, which, he says, have cost the taxpayers uselessly \$525,000 since their establishment in 1918.

A strengthening of the banking law, generally in the form of restrictions upon loans, close supervision, limitations upon the organization of new banks in territory already served, or improved methods of aiding or administering failing banks is proposed in Indiana (Governor Branch), Iowa (both governors), Kansas, Missouri, North and South Dakota, (Governor McMaster), Wyoming, Arizona and New Mexico.

A system for the arbitration of commercial disputes arising out of contracts is recommended by Governor Fuller of Massachusetts, to relieve the congestion of court business and to secure speedier and more satisfactory decisions at less expense.

North Carolina is declared by Governor McLean to be one of only six states, and the only great industrial state, without a workman's compensation law. A minimum wage law for the women of Colorado is urged by Governor Morley. Governor Smith again asks the New York legislature for a forty-eight hour week for women in industry and for the creation of a minimum wage board for women and minors with investigatory and recommendatory powers. One of the few governors of northern states to oppose vigorously the child labor amendment was Hartley of Washington, using these words, "The people of our state will never permit its youth being made the victims of a nationalization or federalization policy that no modern government but Russia has ever attempted to exercise, and since the entire proposal is wholly socialistic and wholly opposed to American ideals it should be promptly rejected."

A large amount of space in nearly every message is devoted to the subject of highways. The recommendations are generally so specific

and detailed and so unrelated to governmental principles that but little comment can be indulged in here. Governor Richardson states that nearly half the state highway mileage of California is of local character, commonly called "pork barrel" roads, placed in the system by legislative action or by vote of the people. On the other hand, Governors Denny and Robinson wish the state highway department of Delaware to extend its jurisdiction gradually over all the roads of the state, with provision for building, when practicable, roads of less expensive material than cement and macadam. Governor Groesbeck believes the establishment of a future highway program to be the most urgent of the problems confronting the Michigan legislature.

Ohio will have no constabulary, state police, rural police, or state traffic police if Governor Donahey can prevent it; while Governor Pothier would have a state police, motorized highway patrol, and a bureau of investigation, for Rhode Island. Governor Bingham would increase the police force of Connecticut as the best machinery for law enforcement by state authority. Governor Branch would likewise increase the force of Indiana. But Governor Ferguson would reduce the number of Texas rangers and use them to cooperate with the sheriffs and other local officers and not send them into counties unless there should be a flagrant disregard of duty by the sheriffs.

Governors Dern, Billings and Fuller recommend the consideration of a proposal requiring the drivers of automobiles to furnish security for liability for personal injury or death caused by their vehicles. Under the New York law, explains Governor Smith, a personal record of each driver is being kept by the bureau of motor vehicles. Hundreds of reckless and incompetent drivers have been eliminated from the roads, and suspensions and revocations of licenses are being made daily, and statistics showing how, when, and why, accidents occur are being compiled.

Governor Fuller assigns as the cause for the most constant criticism of the civil service system in Massachusetts, the enforced retention of employees in the service unless guilty of the most serious offences. The reclassification of the positions and salaries of all state employees is considered by Governor Pinchot a most valuable achievement for Pennsylvania. He claims a reduction in the salary rolls of the Harrisburg appointive departments of \$1,750,000, accompanied by an increase in the quantity and quality of work. His administration attempts to replace the old order of push and pull by a new order of cooperation and advancement based on merit. "One well-paid and well-treated

employee with an open road to advancement on merit costs the state far less than two dissatisfied, half-hearted, clock watchers." Governor Sweet of Colorado devoted a page to the subject of state employees and charges the state with failure to apply even the most elementary principles of good personnel management, especially in the matter of standardization of salaries. Noting that some appointees have been serving provisionally for two years, he would compel an examination of state employees under the Colorado civil service law not longer than ninety days after a provisional appointment. In connection with the three elections held in California during the past two years, Governor Richardson insists that not a single dollar of assessment has been levied against any civil service employee,—a fact in striking contrast to the practice of open assessment under the old political methods.

The abuse of the emergency provision in the referendum clause of the constitution by the legislature of Arkansas is denounced by Governor Terral. The defeat of the oleomargarine bill at an Oregon referendum is attributed by Governor Pierce to the circulation of false and misleading propaganda picturing butter at one dollar a pound.

The most serious problem in the education field confronting the states seems to be that of the rural school. Governors Pothier, Baker, Erickson, McLean, Peay, Pinchot and Smith touch upon this subject. Governor Hartley of Washington believes that if higher education is to profit the state and be maintained without burdensome taxation; entrance examinations and educational standards are demanded that will eliminate those unprepared, unable, or unwilling to conform to such standards. Governor Nestos of North Dakota would set aside three hours a week out of the school time to enable parents and the various religious denominations, either singly or in groups, to give religious instruction without public expense.

A considerable portion of Governor Nestos' message is devoted to a description of the status of the several state activities initiated under the previous administration in North Dakota. He believes the state mill and elevator plant as efficient as can be found anywhere, but "in proportion to capacity, the inglorious fact remains, one of the costliest in existence,"—more than double the average amount. He believes the plant should be able to make operating expenses in the years to come, while Governor Sorlie expects to be able to make the mill an asset of incalculable value to the state, and pay cash dividends. The smaller state mill failed to make operating expenses and has been closed. Governor Nestos asserts that for only one of the fifty-three houses

erected by the Home Building Association was a written agreement found as specified by the law. About one hundred farm loans had been made for more than the land was apparently worth, and many to those who were not actual farmers. The great majority had paid no part of the interest or principal, owners had in many cases abandoned the land, and some had even left the state. Millions in interest and principal were delinquent on land contracts under the board of university and school lands,—in December 1922, 400 land contracts were delinquent for five to twelve years. (Not all of this carelessness could be laid at the door of the Non-Partisan League.) Governor Sorlie regards the state bank as "an instrument of great potency in the establishment of the financial independence of the state," "the greatest forward step of the decade along politico-economic lines." Governor McMaster announces the completion of the South Dakota cement plant and believes the people wish its operation to be given a fair trial. Governor Gunderson notes that the plant has cost four or five hundred thousand dollars more than the commission assured the 1923 legislature would be the maximum. Governor McMaster asks the legislature to authorize the state sale of gasoline and hints at a similar provision for coal—"giving the governor the power to curb excessive profit." Governor Bryan makes a similar request, claiming to have saved the people of Nebraska \$10,000,000 in the price of coal and about \$13,500,000 in the price of gasoline.

Some paragraphs of a number of the messages, though not closely related to governmental problems, are of a general interest on account of the point of view or philosophy of government expressed. Governor Richardson attacks the yellow journals of California which, he says, cost the people many millions more than the foot and mouth disease through the effect of their exaggerated stories upon other industries. The problem can be solved by the demand from subscribers and advertisers for truth in the news. In a plea for less government, Governor Moore says, "Discontent breeds revolution and governments are overthrown by revolution. Revolution is fostered by radicalism and debt. Radicalism is fostered by autocracy, encouraged by numerous state and federal bureaus." Later on he advises the legislature to investigate the operation of the syndicalism law, "with a view of making it more effective." Governor Robinson of Delaware speaks thus, "Each generation presents its own problems. . . . The horse has been supplanted by the automobile, and it seems as if it will not be long



before the automobile will give way largely to transportation through the air. But our government, as instituted by our forefathers, remains practically the same as it was nearly one hundred and fifty years ago. We will do well to pause and consider thoroughly before we attempt to add to or detract from the constitution which has guarded us so well for so many years."

Some of Governor Baxter's comments, in a message which it is not customary for Maine's retiring executive to give, are of interest. He states that he offered an important place on a board to investigate the tax exemption laws to nine prominent men before one was found to accept it—"my experience has not given me a very high opinion of the public spirit of certain prominent business men of Maine." He attributes this remark to one of the state's most prominent citizens, a bitter opponent, "I wish to God we could find something on him in his private life and then we would be able to control him." He says elsewhere, "The greatest obstacle to sound legislation is 'log-rolling' or trading support on legislative measures." "As governor I have oftentimes found myself hampered by lack of power, by the indifference of the people, and by the want of an awakened and wholesome public sentiment." "It has been a maxim of the legislature that each member is entitled to one law," remarks Governor Brewster of the same state. Branch of Indiana says: "When it comes to making laws, politics should be left at home. While the members of the legislature are nominated by political parties, yet they come here not as Republicans or Democrats but the representatives of all the people."

Governor Donahey interprets the election of a Democratic governor and a Republican legislature as evidence of a desire on the part of the Ohio people for "a rest, so far as political upheavals are concerned." With one exception, he sees no need for departmental changes which "have often been made too frequently in the past fifteen or twenty years, to the confusion and disgust of the public, often solely for political reasons,—pure ripper legislation." In discussing law enforcement, Governor Pierce makes the prophecy that, "should the time ever come when the wild mob surges down the street, as it so often has done since civilization had its beginning more than six thousand years ago, vast wealth will then be of no avail. The plea for mercy will go unheeded unless the average citizen believes that all have secured justice under the operation of the government." Governor Sorlie would like to broadcast from a state station the cheapness of North Dakota lands and the excellence of her opportunities, to the radio fans of the country.

Governor Ferguson invites the special attention of the Texas legislature to the banking department, although "business prudence would not permit an extended discussion of the state banking conditions in this message."

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## NOTES ON MUNICIPAL AFFAIRS

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The year and a half which has elapsed since the last notes on municipal affairs, in the August 1923 number of the REVIEW, has been a period of more than usual significance. The principle of municipal home rule has been notably extended. Interesting changes have been made in the form of government of several of our larger cities. The city manager movement has effectively invaded the larger centers of population, and the management of metropolitan areas has come to the front as the chief problem of the statesman.

**Municipal Home Rule.** Very substantial progress has been made in the direction of home rule. It is to be regretted that the people of Missouri refused to ratify the home-rule amendment which the constitutional convention submitted to the people. St. Louis and Kansas City remain the only cities in that state with the privilege of making their own charters. This check, however, was more than made up by the adoption in November 1923 of an amendment to the New York constitution providing for a measure of home rule for the cities of that state. The 1924 legislature unanimously adopted the Enabling Act necessary to carry the provisions of the amendment into effect. The New York law confers a large degree of local autonomy. It provides that the legislative body of the city may submit to the electors the question: "Shall there be a commission to draft a new city charter?" The legislative body fixes the number of members of the commission and the method of appointment or election of its members. The work of the charter commission must be submitted to the vote of the people. In cities having a "commission" government the "local law" providing for such a charter commission may be initiated by petition. To what extent this process of charter revision will be made use of is doubtful, in view of the fact that the local legislative body is given power to make local laws relating to the "property affairs or government" of the city, including changes in the form of government. Certain of these local

laws, among them those changing the veto power of the mayor, abolishing an elective office, transferring or curtailing the powers of an elective officer, changing a law relating to public utility franchises or the membership or terms of office of a civil service commission, are subject to a mandatory referendum. Other laws are subject to an optional referendum. In general, however, the charter and all other special acts of the legislature relating to cities may be amended by the city council without other formality than a majority vote of all the members elected to the council. The legislature is prohibited by the home-rule amendment from passing special city laws, except measures recommended by an emergency message from the governor and passed by the concurrent action of two-thirds of the members of the legislature. Conversely local city laws cannot supersede the acts of the legislature relating alike to all cities or referring to other subjects than the "property affairs or government" of cities. Certain subjects are specifically removed from the competence of the city legislature such as changes in the laws affecting debt limits or restricting bond issues, relating to education, the auditing or examining of accounts by the state controller, and so forth.

The New York law has apparently come no nearer a self-operating definition of the scope of home-rule powers than any of its predecessors. The phrase, "property, affairs or government" invites judicial interpretation. It is already in the courts, the legislature having in one or two cases defied its most obvious implications.

At the general election of November 1924 the people of Wisconsin and Arkansas adopted home-rule amendments to their constitutions. The Wisconsin amendment provides that "Cities and villages organized pursuant to state law are hereby empowered to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the Legislature." This is evidently intended to open the way for home-made city charters. The Arkansas amendment is curiously worded, but goes no further than to prohibit special legislation by the general assembly and to confer upon counties and municipalities a broad general grant of local legislative power. This amendment also assures the use of the initiative and referendum in local affairs.

**The City Manager Plan.** The City manager plan began its first trial in a really large city on January 1, 1924. The Cleveland Council

selected as Manager, W. R. Hopkins, a lawyer resident in the city from his early youth, who was widely known for his leadership in the construction of the belt-line railway. He was known to be a man of character and standing, a trustee of Western Reserve University, and at the same time a Republican on good terms with the dominant political machine of the city. His salary was fixed at \$25,000 a year, the largest salary yet paid to a city manager. After a complete year of service, Mr. Hopkins stands out as a man of ability and vision. He has been rather surprisingly independent of the party influences which secured his appointment. Considered from the point of view of city manager practise, his administration so far has perhaps tended to make too prominent a figure of the manager. This is an easy error for a man of great activity and powers of popular persuasion to fall into. It is probable that Mr. Hopkins thinks of himself as the successor of Tom Johnson and Newton Baker, rather than as the hired agent of the city council. So far, however, the results have apparently been very satisfactory to the public of Cleveland. One can hope for, even believe in his success, and at the same time pray that lesser city managers may not try to emulate too closely his rôle of leadership. The effect of proportional representation on the government of Cleveland will be discussed in a subsequent paragraph.

Cincinnati has long been regarded as a veritable citadel of "bossism." Nowhere else has the Republican party been better disciplined or longer entrenched in power. It was a surprising revolt on the part of what has all along been deemed a timid and lethargic public when, on November 4, 1924, charter amendments, providing for a council of nine members elected by proportional representation and the city manager plan, were adopted by a vote of 92,091 to 40,365. Such a victory won against the hearty opposition of such a machine argues the existence of some powerful force hitherto unobserved from the outside. An analysis of the situation discloses this force to have been the increasing financial impotence of the city. Cincinnati in common with the other Ohio cities suffers from a rigid tax limitation by law (the so-called "Smith One Per Cent Act," 1911) to one per cent of the assessed valuation. These cities in general, and Cincinnati in particular, have been obliged in recent years to borrow money for the purpose of meeting expenses which should be met out of current revenue. At the same time the people of Cincinnati have uniformly rejected all proposals to increase by popular vote the amount of their levy. The situation has grown progressively worse, each borrowing cutting deeper into the amount of revenue available for general expenditures.

In the course of 1923 Mr. Murray Seasongood, a prominent Cincinnati attorney, launched a very vigorous attack on the city administration. Partly influenced, perhaps, by a desire to forestall Mr. Seasongood, and apparently also by a very real desire to discover some way out of the financial dilemma, the Republican executive and advisory committee of Hamilton County appointed a committee of citizens to investigate and report upon the operation of the city government and its financial status. This committee engaged Dr. L. D. Upson of Detroit, and under his direction a thorough survey was made of every branch of the city and county administration, and of the financial situation of both these political entities.

The survey brought to light no serious graft, but disclosed a considerable amount of laxness and inefficiency. It found two great obstacles to good city government: first, lack of funds; and second, the paralyzing effect of too long continued one-party domination. To meet the latter situation it recommended the election of a small city council at large by the use of proportional representation. The old city council of 31 members, twenty-five elected by wards and six at large, had obviously outlived its usefulness. There was but one Democratic member, and that a very unimpressive and inarticulate one. The great majority of its members were merely automata acting at the direction of the machine. The campaign for the adoption of charter amendments was already under way, and the survey report had the good fortune to come at a psychological moment for its effect on public opinion.

It is a matter of considerable regret that the people at the same time they adopted proportional representation and the city manager plan voted down again a proposition for a special tax levy to take care of the certain deficit in the current fiscal year. There was apparently a wide-spread feeling of unwillingness to trust the present city authorities with more money. If Dr. Upson is right in his conclusions, and there is every reason to believe that he is, no improvement in the governmental machinery of Cincinnati will alone be sufficient to give her good city government. If something is not done to provide for revenue before the city manager plan goes into effect in January, 1926, it will be the manager's first duty to endanger his own popularity by recommending a special tax levy.

On February 24, 1925, the voters of Kansas City, Missouri, adopted a new charter employing the city manager plan by a vote of 37,363 to 8,879. This was the culmination of a long campaign for charter reform

in Kansas City. The present charter was prepared by a charter commission elected on February 26, 1924, pledged in advance to write a city manager charter. In the spring and early summer the commission worked on the draft of the charter, and with the assistance of the Kansas City Public Service Institute a tentative draft was prepared and published. This draft was then subjected to criticism and revision. Credit for the good qualities of the final text of the charter is due in large part to Mr. Walter Matscheck of the Kansas City Public Service Institute who acted as executive secretary of the charter commission. The charter provides for a council of nine members, four members elected one from each of four districts, four members elected at large and a mayor also elected at large. The term of all members of the council including the mayor is four years. The salary of members of the Council is \$2,400 except that the mayor receives \$5,000. The position of the manager does not differ materially from the standard of city manager charters. Except for the city clerk and auditor, who are chosen by the council, he appoints the heads of city departments and is apparently given adequate administrative control over them. The civil service provisions of the charter are ample and well devised. Otherwise the document will be found chiefly remarkable for its length. It consists of 488 sections and covers 166 pages of large format and small type. At a conservative estimate it is ten times as long as the Constitution of the United States.

In December 1924 the people of Fort Worth, Texas, adopted a new charter providing for the city manager plan. The council is to consist of nine members elected at large with four-year overlapping term. The councilmen are allowed \$10 for each meeting attended, not to exceed 52 a year. They are to be nominated by petition of three hundred electors and a single nonpartisan, plurality election decides the choice. The charter provides that the manager is to be chosen "solely upon the basis of his executive and administrative training, experience and ability, and without regard to political considerations. Qualifications being equal, preference shall be given in the selection to a resident citizen of Fort Worth for this position." The administrative control of the manager is confined to six departments, financial, police, fire, engineering, public health and welfare, and water-works. The library and school board are elected by the people, while parks and recreation are administered by boards appointed by the council. The charter provides for the initiative, referendum and recall, and a civil service commission of the traditional sort appointed by the council.

City Manager Brownlow, of Knoxville, Tennessee, gained wide publicity in the autumn of 1924 by refunding to the tax-payers \$280,000 from the surplus in the city treasury. Each tax-payer received a check for 10 per cent of the amount of his last tax bill. Receipts had exceeded budget estimates because of the fact that certain sources of revenue had apparently never been recorded by previous administrations. Mr. Brownlow has been accused of playing politics by making this refund on the eve of the primary election. It might well be retorted that if this is politics, let us have more of it. Certainly it was a novelty in the experience of American tax-payers. Furthermore, the rebate itself, apart from the time of making it, is thoroughly defensible as a means of equalizing the tax burden of the two next fiscal years.

Propositions for the adoption of the city manager plan of government were defeated in the course of 1924 at Montclair, New Jersey, Fresno, California, Savannah, Georgia, and Butte, Montana. The last of these proposals was for a consolidated city and county government. The charter had been prepared by A. R. Hatton and represented much of the best thought of the day with regard to municipal and county organization. It was defeated by about 600 votes. On March 10, 1925, the people of Seattle defeated a city manager charter by a majority of about 4,500 in a total vote of 50,000.

On the whole the city manager movement, if we are to judge by the number of cities adopting it, grew more slowly in 1924 than in any of the three preceding years. The City Manager Magazine for January 1925 gives the following figures:

YEAR ADOPTED	BY CHARTER	BY ORDINANCE	TOTAL
1920	23	12	35
1921	42	7	49
1922	28	10	38
1923	40	9	49
1924	19	16	35

These figures, however, do not tell the whole story. It is much more significant that the city manager form of government has begun to work well in Cleveland and has been adopted in Cincinnati and Kansas City, than that it has been adopted or rejected in a score of smaller places. The city manager form of government is now beginning seriously to interest the large cities of the country. A committee of the Newark, New Jersey, Chamber of Commerce has reported in favor of the manager



plan of government, and a referendum of the membership of the Chamber of Commerce approved the report of the committee by a vote of 958 to 186. Minneapolis will vote this spring on a manager charter. A vigorous campaign for the manager plan is under way in Rochester, N. Y. The next three or four years will be critical of the fate of the manager plan. If it works well in Cleveland, Cincinnati and a few other large cities, it bids fair to become the standard form of American municipal government. If it does not, it will tend to recede as the commission form of government is already receding.

**City Managership as a Profession.** One of the hopeful signs in connection with the city-manager movement is a genuine development of professional spirit among the managers. The program of the Convention of the City Managers' Association at Montreal in September 1924 was carried through almost altogether by the members of the Association themselves. Previous conventions have depended almost largely upon the importation of speakers not themselves city managers. The convention was the largest yet held, and the general appearance and demeanor of the delegates was superior to that at any previous convention. A new constitution and a code of ethics were adopted. Some criticism might be passed upon the code of ethics as a literary production, but it indicates the existence of a clear understanding of the managerial relationship, as will appear from the following extracts:

"5. Loyalty to his employment recognizes that it is the council, the elected representative of the people, who primarily determine the municipal policies, and are entitled to the credit for their fulfillment.

"6. Although he is a hired employee of the council, he is hired for a purpose—to exercise his own judgment as an executive in accomplishing the policies formulated by the council, and to attain success in his employment he must decline to submit to dictation in matters for which the responsibility is solely his.

"7. Power justifies responsibility and responsibility demands power, and a city manager who becomes impotent to inspire support should resign.

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"10. A city manager should deal frankly with the council as a unit and not secretly with its individual members, and similarly should foster a spirit of coöperation between all employees of the city's organization."

There is evident also an increased stability in the tenure of city

managers. Taking the length of service as manager as it appears in the year-books of the City Managers' Association for 1920 and 1924, which are sufficiently accurate for this purpose, we get the following results:

YEARS OF SERVICE	1920	1924
1	57	30
1-2	44	70
2-3	33	53
3-4	8	37
4-5	5	30
5-6	3	26
6-7	7	18
7-8	1	5
8-9	1	2
9-10	2	1
10-11	1	4
10-12		1
12-13		1
13-14		1

**Ward Versus At-large Elections.** Boston has had since 1909 a small council elected at large. At the November election the people of that city voted in effect on three alternatives: (1) the retention of the present system, (2) a council of fifteen, chosen three from each of five boroughs; a proposition which obviously looked to the ultimate introduction of proportional representation; (3) a council of twenty-six, elected one from each ward of the city. The last proposal was adopted by a considerable majority. The result may not be of very great importance to Boston for, as was said years ago, there is "little left to be done with the Boston Council except to put it out of pain." The mayor is for his term of office almost an absolute municipal dictator. The reaction of the people of Boston, however, to fifteen years of at-large election of a small council is worthy of notice. It is the hope of friends of good government that two or three wards will send independent and aggressive representatives who will from the vantage point of the floor of the council serve as tribunes of the people. They can do very little but they can say a great deal.

Earlier in the year Los Angeles voted upon the adoption of a new charter which provided for a council of 11 members elected at large, with an alternative of 15 members elected by districts. A majority of the persons voting upon the question of adopting the alternative voted

in its favor. The affirmative vote for the charter, however, was larger than the affirmative vote for the alternative so that the alternative was declared to be lost. Here again, the probable desire of the people was for ward representation. In Boston and Los Angeles at any rate there is support for the proposition that at-large election of a council in a very large city so attenuates the relation between the representative and his constituents as to produce serious dissatisfaction.

**Proportional Representation.** The Cincinnati survey recommends proportional representation as the only means of meeting the evils so obviously present in the existing constitution of the council. All but a half-dozen of its thirty-one members were found to be mere nullities. To get men of larger caliber in the council, a smaller body and at-large election seemed necessary. At-large election without proportional representation would have meant the delivery of the whole council to the Republican machine with no chance for an independent or a Democrat. Hence the recommendation of proportional representation. This line of reasoning seems to have appealed to the public of Cincinnati and the plan was adopted.

In the last notes reference was made to the fact that the supreme court of Ohio had sustained the proportional representation feature of the Cleveland charter, but that the case was not yet available. The decision in question was that of *Reutner v. Cleveland*. It is unfortunately not a very strongly reasoned opinion. It rests ultimately on an interpretation of the home-rule clause of the Ohio constitution as being sufficient to sustain regulation of the suffrage by charter provision. It intimates, however, that the fact that a voting system deprives a ballot of its full effect is not necessarily a violation of the constitutional guarantee of the right to vote to all citizens.

The Cleveland city council elected by "P. R." in the fall of 1923 has now been in service a full year and it is possible to frame some estimate of its success. If popular interest is a criterion the new council is far superior to its predecessors. For the four years preceding January 1 1924, the average public attendance at council meetings was fifty. During the past year it has been about five hundred. The presence of such independents as Professor Hatton and Peter Witt has made its sessions interesting as a play. It has done something more, however. It has provided vigorous and constructive criticism of the administration. Without "P. R." the Cleveland council would have been almost as one-sided as that of Cincinnati, unprotestingly following the lead of a

boss. Under "P. R." the council has been a real forum in which the views of the opposition have been clearly and amply expressed. If the people of Cleveland do not know what is going on in their city government it can only be because they do not enjoy reading the spicy accounts of council debates with which the papers have been full.

**Sixteen Managers for Los Angeles.** The new charter of Los Angeles adopted by voters of that city on May 6, 1924 is in marked contrast to the general tendency of recent years toward the concentration of power and responsibility for the executive conduct of city affairs in the hands of the mayor or manager. In fact it carries diffusion of executive power to an extraordinary degree. Only three officers are elected at large, the mayor, city attorney, and comptroller. Their term of office is four years. The mayor appoints and removes, in both cases subject to the approval of the council, several of the more important city officers such as city treasurer, city clerk, and the boards or commissions which are placed in charge of the principal activities of the city. There are altogether sixteen such boards; each consists of five members appointed for terms of five years, one retiring each year. With the exception of the Board of Public Works they receive no salary except an attendance fee of \$5.00 per meeting. The Board of Public Works appoints the city engineer and each of the other boards appoints a general manager to serve at its pleasure. These general managers have power to appoint, discharge, suspend or transfer employees subject to the general civil service provisions of the charter. A list of these boards indicates the completeness with which they cover the ordinary activities of the city: Building and Safety, City Planning, Civil Service, Fire, Harbor, Health, Humane Treatment of Animals, Library, Municipal Art, Parks, Pensions, Playground and Recreation, Police, Public Utilities and Transportation, Social Service, Water and Power.

It is said that the board of freeholders did not seriously consider the adoption of the city-manager form of government, but what they have done is in effect to create sixteen managerships with no effective agency for correlating their services. The power of a mayor, with a four-year term, over boards appointed as these are is going to be slight indeed. There will be sixteen *imperia* in the *imperio* of Los Angeles. The plan may work, worse schemes have, but it cannot be denied that the board of freeholders have flown in the face of experience.

**The Problem of Metropolitan Areas.** The problems involved in the fact that the economic and social areas of our great urban centers

are far wider than the boundaries of any one municipality have been receiving increasing attention from students of municipal government. Reference was made in the last Notes on Municipal Affairs to the "Plan of New York and Its Environs." This organization has been actively prosecuting its work and has prepared an impressive number of reports besides carrying on a vigorous educational campaign in New York and the satellite communities which surround it. The Massachusetts metropolitan district commission added to its organization in 1923 a metropolitan planning division under the chairmanship of Mr. Henry Harriman. This division has already done a great deal of excellent work especially in relation to the traffic problems of Greater Boston. The Board of Commerce and the Bureau of Governmental Research in Detroit have done considerable preliminary work in studying the relation of the outlying communities to such problems as water supply, drainage, transportation. A constitutional amendment authorizing the creation of metropolitan districts for certain limited purposes, including those mentioned, has been submitted to the Michigan legislature. At the National Municipal League meeting in Boston, November 1924, a whole day was devoted to the discussion of the problems of metropolitan planning and government.

City and county consolidation has, of course, a direct bearing upon the solution of the metropolitan problem. The defeat of the Butte charter, already noted, is greatly to be regretted. The state of Georgia, however, adopted in 1924 a constitutional amendment authorizing the legislature to consolidate by special act cities of more than 52,900 population with the counties of which they form a part. This is probably not the proper way of getting at the matter of city and county consolidation, but it indicates some realization of the problem. In Florida a proposed constitutional amendment to authorize consolidated city and county government in Duval County was defeated.

**City Planning.** The most notable recent achievement in the field of city planning other than the progress of the great regional plan for New York City was the adoption by the Massachusetts Legislature of 1924 of a Zoning Act for Boston. This act differs from most of its predecessors in regulating the use of premises as well as buildings. It provides for six "use" districts—single residence, general residence, local business, general business, industrial and unrestricted—and for five "bulk" districts based on heights of 35, 40, 65, 80 and 155 feet, respectively.

The long standing deadlock between the state appointed transit commission (and its predecessors) and the New York city authorities was partially resolved by the 1924 legislature. A new board of transportation to be appointed by the mayor was created, and to it was entrusted the choice of new subway routes, the construction of new lines and their operation, the construction of uncompleted portions of the lines already projected. The transit commission continues to be charged with the general regulation of transportation and the administration of the existing subway contracts. There are already indications that the work of rapid transit extension will now be vigorously pushed.

Chicago voters rejected April 7 (329,228 to 227,554) the transportation ordinance submitted to them by the city council. The ordinance provided for purchase and considerable extension of surface and elevated lines, construction of subways, and acquisition of equipment, to be paid for by securities. These were to be refunded out of the earnings of the system on a service-at-cost basis. An expenditure of \$621,000,000 was contemplated. Control was to be vested in a board, chosen partly by the mayor, partly by the security holders. The question of city operation of the proposed system, submitted separately, was also defeated.

**Butlerism in Philadelphia.** The most sensational events in recent years in the field of municipal politics have centered about the career of General Smedley D. Butler, as Director of Public Safety in Philadelphia. The mere act of borrowing a Marine officer for such a position was in itself sensational, and the methods employed kept the wires hot for months. The fact that Butler's leave of absence from the Marine Corps has been extended for another year seems to indicate a certain degree of success for his administration. Perhaps blasting powder was necessary to break up the long-time alliance between politics and vice in Philadelphia. At any rate Butler used it and has so far escaped the fate that usually awaits those who defy the traditional methods of party management in cities.

**Secretaries of State Leagues of Municipalities.** The secretaries of ten state leagues of municipalities met for an interchange of methods and ideas at the University of Kansas on December 12 and 13. Those present were Morris B. Lambie, Minnesota; Morton L. Wallerstein, Virginia; Bates K. Lucas, Michigan; A. D. McLarty, Illinois; Frank G. Bates, Indiana; Frank G. Pierce, Iowa; Don W. Sowers, Colorado; Harry A. Barth, Oklahoma; R. D. Jackson, Texas; and John

G. Stutz, Harvey Walker, James W. Kensett and Chester K. Shore, Kansas. The sessions were devoted principally to round tables. The subjects discussed included: information service for city officials; field service; research; securing good state municipal legislation; organization and activities of the membership; official organ; and municipal library methods. Prof. F. H. Guild contributed a talk on public personnel training. At the close of the session a permanent organization was formed, with Mr. Lambie as president, Mr. Wallerstein, vice-president and Mr. Stutz, executive secretary. The secretariat was established at Lawrence.

## FOREIGN GOVERNMENTS AND POLITICS

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**Central and Eastern Europe in 1924.** A study of the political events of 1924 in Central and Eastern Europe reveals such a variety of topics lending themselves to extensive treatment that for convenience of treatment, the material has been grouped under the four main heads of (1) financial reconstruction, (2) constitutional, legislative, and administrative developments, (3) parties and politics, and (4) foreign relations.

### FINANCIAL RECONSTRUCTION

An outstanding factor, involving changes both constitutional and political, has been the process of financial reconstruction in most of the states under consideration. The painful return from an inflated paper currency to the gold standard has occupied the forefront of the political stage in three of the former enemy states, and in many of the minor allied states.

Of the former enemy states Austria was the first to begin her financial recovery under the protocols of Geneva of 1922, negotiated under the auspices of the League of Nations and backed up by laws conferring extraordinary powers on the government, to last until the end of 1924. Despite the economic restraints which the financial program has involved, no modification of these laws occurred in 1924, but their continuance until 1926 will probably be found necessary to complete the reconstruction program. Meanwhile, Austria introduced the new *schilling* in June, replacing the old Austrian *krone*.<sup>1</sup>

In Hungary, reconstruction was likewise undertaken by the League of Nations under the terms of the London protocols of January 16, 1924 and those of Geneva of March 14, 1924,<sup>2</sup> supplemented by the Enabling Act passed by the Hungarian National Assembly on April 17, 1924.<sup>3</sup> Though the controls established were similar to those for

<sup>1</sup> *Bulletin Périodique de la Presse Autrichienne*, No. 154, June 28, 1924.

<sup>2</sup> *League of Nations Official Journal*, Fifth Year, pp. 424-429; 802-807.

<sup>3</sup> *Gazette de Prague*, April 24, 1924, p. 2.



Austria, the loans and guarantees involved were different in nature, and more adapted to an agricultural country like Hungary. Thus far, the Hungarian government has not issued any new metallic units to replace the *krone*.

In Germany the international controls set up under the terms of the Dawes report and the London protocols of August 16, 1924<sup>4</sup> were put into force by various laws of August 30, 1924. These provided for the liquidation of the Rentenbank, the private notebank, and for the organization of the new Gold Bank, while two others, the so-called "Munzgesetz" and the law pledging the industries of the Reich as a guarantee of reparations deliveries, completed the legislative program.<sup>5</sup>

Poland's heroic endeavor at financial reconstruction represents primarily the work of Premier Ladislas Grabski, based upon a program elaborated by Mr. Hilton Young, a financial adviser to the British Treasury,<sup>6</sup> supplemented by a large private loan from Italy, in return for which the revenues from the tobacco monopoly were pledged.<sup>7</sup> Under this program Poland stopped her printing presses in February and introduced the gold *zloty* on July 1, 1924.<sup>8</sup>

Rumania, beset by difficulties arising from the necessity of withdrawing Austro-Hungarian *kronen* from circulation in Transylvania and paper rubles in Bessarabia, and supplanting them with *lei*, has managed, by dint of vigorous taxation, to balance her budget for the past three years. In 1924 the consolidating of the Rumanian foreign debt under an Italian consortium facilitated her progress toward financial recovery.<sup>9</sup>

Jugoslavia, with the financial advice of Senator Henri Berenger of France and under the able administration of Finance Minister Stoyadinović, has more than balanced the budget, stabilized the *dinar* with marked success, funded several of her foreign debts and "methodically pursued the sanitation of its finances according to a clearly outlined plan."<sup>10</sup> Cabinet changes have in no wise altered this policy, which is now again in the hands of Stoyadinović.<sup>11</sup>

<sup>4</sup> *British Sessional Paper, Misc. No. 17 (1924) Cmd. 2270*, pp. 322-324.

<sup>5</sup> *Berliner Tageblatt*, August 30, 1924.

<sup>6</sup> *Bulletin Périodique de la Presse Polonaise*, No. 137, November 1, 1923.

<sup>7</sup> *Ibid.*, No. 142, April 17, 1924.

<sup>8</sup> *Central European Observer*, July 12, 1924, p. 1. A detailed account of the financial reforms of Grabski is found in the *Gazette de Prague*, August 13, 1924, p. 3.

<sup>9</sup> *Gazette de Prague*, July 26, 1924, p. 2.

<sup>10</sup> *Ibid.*, May 21, 1924, p. 2.

<sup>11</sup> *The Near East Magazine*, Volume XXVI, p. 496, November 20, 1924.

The financial reforms initiated in 1919 in Czechoslovakia by Dr. Alois Rašín prevented, *ab initio*, any policy of inflation. The continuation of that policy by his successors has made the Czech crown virtually the most stable monetary unit in Europe.<sup>12</sup>

Of the Baltic States, Finland without question has the soundest finances and has for several years had a balanced budget. During 1924 Finland was particularly successful in funding various of its foreign debts.<sup>13</sup> Esthonia, on the other hand, has been in dire financial straits due to the deliberate machinations of Soviet Russia in attempting to undermine the economic structure of the country by routing transit traffic around Esthonia either by land or sea.<sup>14</sup> The praiseworthy efforts of Finance Minister Strandman to introduce the gold *thaler*, equivalent to the Scandinavian *krone*, in lieu of the *Eestimark*, and to found the Bank of Esthonia as the sole bank of issue, with the assistance of a Swedish loan, have therefore encountered unexpected obstacles, as the diversion of traffic has greatly reduced revenue, and efforts to increase customs duties by 50 per cent have only further alienated commerce.<sup>15</sup> This has hindered the long contemplated customs union with Latvia and Lithuania. Latvia, having introduced the gold *lat* standard in January, 1924, and started the issue of silver *lats* in June, under a financial reconstruction program much akin to that of Esthonia, finds her issues well covered by gold and her budget fairly on the way to normalcy.<sup>16</sup> Lithuania introduced the *litas*, based on a gold backing, in October, 1922, and has managed to keep it at par up to date. Despite many difficulties in this period of transition, the Lithuanian Bank of Issue has operated successfully, and Lithuania will have a balanced budget in 1925.<sup>17</sup>

Even Soviet Russia, despite its communist economics, has found it imperative to replace the virtually valueless paper ruble by the gold *chervonetz*. The exclusive issue of this new unit by the State Bank, the withdrawal of minor treasury notes (effected by January 1, 1925), the stopping of the printing presses, and the redemption of the old

<sup>12</sup> Cf. Rašín, Alois, *Les Finances de la Tchécoslovaquie jusqu'à la fin de 1921*.

<sup>13</sup> Cf. Kalliala, K. J., "Finnish State Finances," *Monthly Bulletin of the Bank of Finland*, June, 1924, pp. 21-28.

<sup>14</sup> *Central European Observer*, May 17, 1924, p. 1.

<sup>15</sup> *Ibid.*, June 7, 28, 1924; *The Economic Review*, Vol. X, pp. 48-9, July 18, 1924.

<sup>16</sup> *Central European Observer*, June 1, 7, 1924; *The Latvian Economist*, Nos. 7-9, (1924) p. 101.

<sup>17</sup> Bulletins of the Lithuanian "Elta" Agency Service, Nos. 53, 55, October, November, 1924.

paper rubles at the rate of 500,000,000,000 to the new *chervonetz*, indicate the essential similarity of financial sanitation measures in "communist" and "capitalist" countries.<sup>18</sup>

Due to the intimate relation of financial reconstruction to reparations collections and deliveries, the restoration of the fiscal standards of the former enemy states has taken place, as indicated above, under international auspices and control. Among the lesser allied states financial sanitation has not involved external control, though it has necessitated some measure of assistance in the shape of loans from abroad. The return to the gold basis, the exchange of depreciated currency for the new monetary units, soundly established and covered, the creation of private banks of issue under stringent legal regulations, have demanded special legislative enactments of a constitutional or exceptional character, investing the respective governments with full powers for the whole period of rehabilitation. Such laws were passed in 1924 in Estonia,<sup>19</sup> Germany, Hungary and Poland, and tended effectively to remove their finances from the maelstrom of parliamentary strife.

Germany's legislation comprises the law of December 8, 1923, giving the Marx cabinet full powers till February 15, 1924, during which time the initial stages of reconstruction were considered by the Dawes commission. The laws putting in force the London protocols date from August 30, 1924. One placing the railroads of the Reich under international control modified Articles 89-90 of the Weimar Constitution in principle, but not textually, and required a two-thirds majority for its passage.<sup>20</sup>

In Hungary, under the terms of Law No. IV of 1924, the National Assembly was prohibited from considering any bills or projects contrary to the scope and provisions of the statute in question. This law will remain in force "until the Council of the League of Nations will have declared that Hungary's budget has been balanced." The law, according to an official commentary, "is completed by a number of supplementary provisions of an interpretative nature attached to it, as well

<sup>18</sup> For a succinct review of the financial policy of the Soviet government, based on official documents and decrees, cf. Kohn, Stanislas, "Les Finances Publiques et la Reforme Monétaire en Russie," *Gazette de Prague*, May 21, 1924.

<sup>19</sup> The Estonian law, passed in June, 1924, authorized the dismissal of state employees and the consolidation of administrative departments in the interests of economy. *Central European Observer*, June 1, 28, 1924.

<sup>20</sup> *Berliner Tageblatt*, August 30, 1924, and *Bulletin Périodique de la Presse Allemande*, No. 308, September 3, 1924, p. 9.

as by a number of ministerial decrees issued in virtue of the powers accorded to the Government by the law."<sup>21</sup>

Two "full powers" laws have been enacted in Poland, one of January 5, and the other of June 17, 1924. Strictly speaking, the first may not properly be called a "full powers" act, although it was such in substance; but, as doubts as to the constitutionality of a law of plenary powers were entertained, Grabski summoned a council of jurists to determine whether such authority could be delegated to the president without violating the constitution. On the advice of the council, the law was changed to one "On the Reform of the Public Treasury and the Currency." By June, all constitutional meticulousness was brushed aside, and the second law, authorizing extensive administrative reforms in the eastern provinces as well as financial remedies, went far beyond mere "renewal," and was in reality a distinctly new and virtually unlimited grant of authority to last until December 31, 1924.<sup>22</sup>

Thus it may be seen that under dire economic pressure, financial reform has necessitated an overlooking of constitutional niceties and demanded an unhampered administrative control.

#### CONSTITUTIONAL, LEGISLATIVE AND ADMINISTRATIVE DEVELOPMENTS

Apart from such measures involving the temporary suspension of constitutional controls and necessitated by financial reconstruction, constitutional changes have not taken place. There have been none of the formal textual type. This has been due on the one hand to a lack of sufficient experience under existing constitutions to warrant change—although proposals for amendment, touching mainly local administration or abuses in the electoral system, have not been wanting in Czechoslovakia,<sup>23</sup> Germany,<sup>24</sup> Jugoslavia,<sup>25</sup> Poland<sup>26</sup> and Rumania<sup>27</sup>—and on

<sup>21</sup> *Memorandum from the Hungarian Legation*, November 24, 1924, pp. 2-3.

<sup>22</sup> *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924, and No. 145, August 9, 1924, p. 10.

<sup>23</sup> For the proposal to limit the application of proportional representation to eliminate parties polling less than 2% of the total national vote cf. *Gazette de Prague*, June 18, 1924, p. 1.

<sup>24</sup> On January 8, 1924, the Bavarian Government transmitted to the Reich Government a long memorandum demanding changes which would have involved a return to the Bismarckian federalism of 1871. *Bulletin Périodique de la Presse Allemande*, No. 298, January 19, 1924, p. 6. For a German critique of the Bavarian memorandum cf. Kraus, Herbert, *Germany in Transition*, pp. 212-223.

<sup>25</sup> The "revisionist" program of the Yugoslav Democratic Party, proposed by Marinković looks to mere decentralization (*Bulletin Périodique de la Presse*

the other to the fact that the parliaments have been busy with legislation to carry out constitutional provisions or promises. This "constitutional" legislation has embraced statutes relating to the safeguarding of minorities,<sup>28</sup> laws on agrarian reform,<sup>29</sup> press laws,<sup>30</sup> laws and

*Youngoslavie*, No. 49, February 16, 1924, pp. 8-9); more radical is the autonomy program of the Slovene People's Party, sponsored by Abbé Ante Korošec (*Ibid.*, No. 50, April 5, 1924, p. 8). On the advent of the Davidović cabinet in August, 1924, Petrović, the Minister of the Interior, indicated that proposals looking to the realization of the revisionist program would be undertaken. The overthrow of Davidović prevented the carrying out of this project. *Gazette de Prague*, August 13, 1924, p. 1.

<sup>26</sup> The "Piast" party, led by former premier Vincent Witos, demands a return to *scrutin d'arrondissement*, without much consideration for the representation of national minorities required by treaty. The reduction of the size of the Sejm, which now has 444 members, and the strengthening of presidential authority are also favored. *Central European Observer*, January 26, 1924; *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924. An "Inquiry on the Constitution of March 17, 1921," published by a group of experts, also favors the strengthening of presidential authority over both the Senate and the Sejm. *Ibid.*, No. 142, April 17, 1924.

<sup>27</sup> The program of the newly created National Peasant Party in Rumania pledges it to "propagate the principles of a decentralization of administration and local autonomy within the framework of the political unity of the State as a whole." *Central European Observer*, June 21, 1924, p. 1. As the present Rumanian parliament is acting as a constituent assembly, any legislation along these lines must be earmarked as constitutional in character. *The Near East*, Vol. XXVI, p. 501. November 13, 1924.

<sup>28</sup> Czechoslovakia had been occupied with the drafting of a constitution for Sub-Carpathian Ruthenia, along with minor administrative reforms and the enforcement of a far-reaching educational program. *Central European Observer*, July 26, 1924, p. 1. In Hungary legislation for minorities rested until 1924 on various decrees, principally that of June 23, 1923, now amplified by a law of February 28, 1924. *Gazette de Prague*, March 1, 1924, p. 2. In Poland a law of July 9, 1924, guaranteed the equality of minority languages (Ukrainian, White Russian and Lithuanian) with Polish, for purposes of communication, judicial process and education. German minorities were to be cared for by a later law. No provision was made for teaching either Russian or Yiddish. *Gazette de Prague*, July 16, 1924, p. 2. In Rumania a bill for the education of linguistic minorities was laid before parliament at its fall session. *Central European Observer*, November 1, 1924, p. 1.

<sup>29</sup> One of the chief promises of the short-lived revolutionary government of Bishop Fan Noli in Albania was to give the lands of the begs to the peasants without much legal formality. *Neues Wiener Tagblatt*, June 11, 1924; *Gazette de Prague*, July 5, 1924, p. 1. In 1924, the Czechoslovak agrarian laws were extended to Ruthenia. *Gazette de Prague*, April 16, 1924, p. 2. An excellent survey of the work of the Czechoslovak land office is given in the *Central European Observer*,

ordinances regarding the reduction of armies,<sup>31</sup> decrees on amnesty,<sup>32</sup> laws on local government<sup>33</sup> and social insurance,<sup>34</sup> as well as enactments permitting the consolidation of governmental officers during financial reform. In addition to these may be mentioned the various administrative reforms required for the execution of the foregoing measures

October 18, 1924, p. 2. See also Pavel, Antonin, "Land Reform," in Grüber, Josef, *Czechoslovakia: A Survey of Economic and Social Conditions*, pp. 43-66. In Finland the fundamental agrarian reform law, the Lex Kallio, has been only partly enforced, and the main bill for its execution is still pending. *Memorandum* from the Finnish Legation, December 4, 1924, p. 4. In Hungary a bill to further the enforcement of Law No. XLV of 1921 was passed at the beginning of 1924. The full powers bill, however, pledged the revenues from lands acquired by the State under previous laws to the satisfaction of financial claims, while exempting large landowners from taxation. *Bulletin Périodique de la Presse Hongroise*, No. 78, January 12, 1924; *Central European Observer*, October 18, 25, 1924. Charges that Baron Koranyi, the minister of finance, impeded the progress of land reform were freely made before his resignation. In Poland, as soon as financial reconstruction was well under way, Premier Grabski decided to apply the agrarian reform laws, theretofore dead letters, in the eastern provinces, in an effort to ameliorate the peasantry's condition and alleviate dissatisfaction. *Gazette de Prague*, May 20, September 13, October 25, 1924.

<sup>30</sup> Czechoslovakia: Withdrawing slander and defamation suits from juries. *Gazette de Prague*, May 31, 1924, p. 1; Hungary: distinctly reactionary in character, *Central European Observer*, May 24, 1924, p. 1; Yugoslavia: The Davidović ministry, on its advent, promised a more liberal press law, which it was unable to enact, *Bulletin Périodique de la Presse Yougoslave*, No. 53, October 2, 1924, p. 2; Rumania: A press law was laid before parliament at its fall session, *The Near East*, Vol. XXVI, p. 501, November 13, 1924.

<sup>31</sup> Czechoslovakia: Reducing the army to 90,000 men. *Central European Observer*, June 7, 1924, p. 2; Poland: Reducing the army budget 45%, cutting down the officer personnel by 2000 and the noncommissioned officers by 8000. *Ibid.*, June 28, August 5, 1924. Russia: for statement by Trotsky on reductions made in the Red Army in 1924 cf. *Ibid.*, July 12, 1924.

<sup>32</sup> Bulgaria: Amnesty to Communists and Liberals (followers of Radoslavoff), July 17, 1924. *La Bulgarie*, Vol. I., No. 317, p. 3, c. 2, July 17, 1924. Hungary: Karolyist-Communist amnesty decree, May 7, 1924 *Bulletin Périodique de la Presse Hongroise*, No. 82, June 26, 1924, Carlist amnesty decree, July 21, 1924. *Ibid.*, No. 83, August 14, 1924.

<sup>33</sup> Latvia: The law of June 26, 1924, redivided the country into administrative districts. *Current History*, Vol. XX, p. 1041. In Poland a law on reorganization of the eastern voivodships was pending in the Sejm in October. *Gazette de Prague*, October 25, 1924, p. 2.

<sup>34</sup> A far-reaching social insurance act was passed in Czechoslovakia. For a full discussion of its import cf. *Gazette de Prague*, September 20, 1924, p. 2, and the *Central European Observer*, September 13 and October 11, 1924.

or to remedy the results of over-centralization, particularly in Jugoslavia<sup>35</sup> and Rumania.<sup>36</sup>

The process of turning over local administration in the various "regions" or "republics" to the native inhabitants was systematically continued by the Soviet Government in 1924.<sup>37</sup> This involved the creation of various new units and the dissolution of old ones. To choose among many examples, the Zyrians were regrouped with the Permiaks,<sup>38</sup> the boundaries of White Russia were considerably altered,<sup>39</sup> the republic of the Gortsi was dissolved,<sup>40</sup> and the autonomous region of Tchetchnia was created.<sup>41</sup> Bokhara and Turkestan were dismembered<sup>42</sup> and various Central Asian republics created,<sup>43</sup> while last of all, in an endeavor to regain Bessarabia, an adjoining Moldavian Republic was brought into being.<sup>44</sup> "The life of the Soviet Republics," writes a French critic, "develops by following a frankly national orientation. In the linguistic and political domains a feverish activity is manifest. At the same time a more and more marked sovietization of the national organisms is pursued. This double movement, so different at first sight, is no obstacle to the incessant modifications of territory as between republics."<sup>45</sup>

To cope with this important administrative problem, the Central Executive Committee of the Union of Socialist Soviet Republics created a special section on nationalities, to replace the Commissariat of

<sup>35</sup> This involved a general shifting of the *župans* (prefects) and of diplomatic representatives abroad. *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924, p. 3.

<sup>36</sup> Law on the Reorganization of the magistracies. *Gazette de Prague*, June 25, 1924, p. 2.

<sup>37</sup> For the devolution of the administrative services in the Ukraine see *Pravda*, December 2, 1923, June 26, July 12, 1924; for Turkestan, *Izvestia*, January 12, 1924; for Daghestan, *Pravda*, January 16, 1924; among the Tartars, *Bulletin Périodique de la Presse Russe*, No. 134, p. 10; among the Yezidis, *Izvestia*, June 14, 1924; among the Poles, *Pravda*, July 15, 1924; among the Bashkirs, *Izvestia*, November 1, 1924; among the Carelians, *Pravda*, October 8, 15, and 24, 1924; among the Yakuts and in the Arctic regions, *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924.

<sup>38</sup> *Izvestia*, June 27, 1924.

<sup>39</sup> *Pravda*, February 2, 1924.

<sup>40</sup> *Izvestia*, August 8, 1924.

<sup>41</sup> *Ibid.*, August 5, 1924.

<sup>42</sup> *Ibid.*, August 26, 1924; *Pravda*, September 24, 1924.

<sup>43</sup> *The Near East*, Vol. XXVI, p. 316, September 25, 1924.

<sup>44</sup> *Izvestia*, October 14, 1924, and *Pravda*, October 18, 1924, which give the constitutions of the Moldavian Republic.

<sup>45</sup> *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924, p. 16.

Nationalities which existed under the older Soviet regime.<sup>46</sup> In thus reorganizing internal administration by an unflinching acceptance of the principle of nationality, the Soviet Government has done much to disarm counter-revolutionary tendencies. The incompatibility of its doctrines of anti-national proletarian revolution with its practice of capitulation to resurgent minor nationalities is too obvious to require comment.

Outstanding, and different from legislation in other states, have been the important laws passed by the Rumanian parliament to give effect to the policy of placing in the hands of the national government the control of the sub-soil and its products.<sup>47</sup> In this connection, as well as in regard to agrarian reform, Rumania, beset by a landless peasantry on the one hand and overawed by foreign oil interests on the other, has followed Mexican models in attempting to safeguard her natural resources and her agricultural future.

#### PARTIES AND POLITICS

Turning from legislative and administrative questions to those of domestic politics, the broad field may be divided for purposes of scientific classification into the three topics of elections, cabinet changes, and party movements, as respectively influenced by issues of local, national, or international interest.

National elections took place in 1924 only in Germany and Finland, though in each presidential elections have been held in 1925.<sup>48</sup> Albania was the lone country to undergo revolution and counter-revolution. Thus the majority of the parliaments involved did not resort to a popular consultation but kept to the routine ways of constitutional govern-

<sup>46</sup> A full account of the new Nationalities Section and its work is given in *Izvestia*, October 5, 1924.

<sup>47</sup> For full discussions of this legislation cf. *Gazette de Prague*, June 25, 28; July 9, 12, 26, 1924.

<sup>48</sup> The German presidential election was precipitated by the sudden death of President Ebert on February 28, 1925. The polling of March 29, having failed to elect a candidate, the second elections on April 26 resulted in the choice of Marshal Von Hindenberg as the new president. In Finland the electoral colleges, chosen January 15 and 16, 1925, met on February 15 to select a new chief executive. Their choice fell upon Dr. L. K. Relander, governor of the province of Viborg and a prominent leader in the Agrarian party, who assumed office March 1, 1925. *Memoranda from the Finnish Legation*, December 4, 1924 and February 18, 1925.



ment. Yugoslavia was the sole country where a parliamentary campaign was in progress at the end of the year.<sup>49</sup>

The Finnish elections, fought on the issue of amnesty to communists, over which parties were deadlocked in the Riksdag, were held on April 1 and 2, and resulted in the reduction of the Communist party by a third, and a slight gain by the parties on the Right, while revealing a marked tendency of the extreme socialists away from Communism and back to the fold of hardheaded constitutional socialism. "This would seem to indicate," says an official statement, "that the teachings of Bolshevism are losing more and more disciples in Finland."<sup>50</sup>

Germany in 1924 underwent two elections. In those of May<sup>51</sup> the extreme resentment of all classes of the population against the occupation of the Ruhr was balanced against the counsels of moderation from the middle-of-the-road parties, which urged the acceptance of the Dawes Report as the only way out of Germany's economic dilemma, while they stood for the maintenance of the republic as the sole guarantee of liberal constitutional development. Though large gains were made by the extremists, Communist and Monarchist—especially by the adherents of Ludendorff and Hitler—at the expense of the Socialist-Clerical-Democratic-People's Party coalition, the latter still controlled a majority and, under the reconstructed Marx cabinet, secured the acceptance of the Dawes Report after bargainings with the more moderate nationalists.

Once the report had been accepted, the extremists of both Right and Left were destined to reverses. The failure of negotiations for the constitution of the *Bürgerbloc*, projected by Stresemann, led to a second dissolution on October 20, and to the elections of December 7.<sup>52</sup> These clearly indicated, by the party changes produced, the defeat of both

<sup>49</sup> The Skupshtina was dissolved on November 8, 1924, new elections being set for February 8, 1925, and legal maximum of 90 days being permitted to elapse between dissolution and election. *The Near East*, Vol. XXVI, p. 527; November, 27, 1924.

<sup>50</sup> *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33.

<sup>51</sup> For the official results see *Bulletin Périodique de la Presse Allemande*, No. 304, May 20, 1924, pp. 10-11, which cites various dailies. Cf. also, Shepard, W. J., "The German Elections," in *American Political Science Review*, August, 1924, Vol. 18, p. 531.

<sup>52</sup> The results of the December elections are shown on page 367.

Right and Left extremism and a new return to the middle of the road. The defeat alike of the Communists and of the "Völkisch," the Ludendorff-Hitlerite combination, which was so severely chastened in Bavaria and other royalist centers, is the best proof of the stability of republican institutions and the permanence of the present fundamental law. The subsequent resignation of Marx on December 11, 1924, due to his refusal to accept monarchists in a reconstructed cabinet, opened the way for the formation of a cabinet of moderates of all opinions, thereby permitting the Nationalists to enter the Luther cabinet. The admission of conservative talent into the German government should prove of value in a period of economic rehabilitation, so long as there is no disposition to tamper with the fundamental principles of the Weimar constitution.

The Albanian revolution, engineered by Bishop Fan Noli and the liberal elements of the country, overthrew the feudal Moslem government of Ahmed Zogu Bey and the landed magnates in June, 1924.<sup>53</sup> The new government made an honest effort to disarm the population, introduce long-needed agrarian reforms, undertake extensive public works, and begin a thoroughgoing financial reconstruction of the country with the assistance of the League of Nations. Due to Italy's insistence on the strict neutrality of Yugoslavia under the terms of the Italo-Yugoslav Alliance, the revolution was quickly successful. In December, however, the Moslem emigrés, supported by remnants of the White Army of Baron Wrangel, returned to Albania with the tacit acquiescence, if not the open support of Yugoslavia, and reestablished the reactionary regime of Ahmed Zogu. Needless to say, the counter-revolution frustrated the execution of the liberal program.<sup>54</sup>

Accompanying the foregoing elections and the lone revolution and counter-revolution, cabinet changes took place in Finland, Germany and Albania. In Finland the Kallio Cabinet (Socialist-Progressive-Agrarian) resigned on January 18, 1924 and was succeeded by a ministry of experts headed by Professor A. K. Cajander, which conducted the administration till the meeting of the new Riksdag. On June 1 a Nationalist-Svecoman-Progressive-Agrarian cabinet was formed by Professor L. Ingman, from which the Socialists were excluded. On November 20, following the enactment of a pension bill opposed by the Agrarians, the Agrarian ministers retired, and their places were filled

<sup>53</sup> *London Times*, June 7, 1924, p. 11, c. 5; June 14, 1924, p. 10, c. 5. For a valuable account of the background of the revolution cf. Mousset, Albert, "L'Affaire Albanaise vue de Belgrade," *Gazette de Prague*, June 18, 1924, p. 1.

<sup>54</sup> *New York Times*, December 22, 1924; February 1, 1925.

by men from the other parties in the coalition.<sup>55</sup> This rendered the existence of the Ingman ministry precarious, as the Socialists and Agrarians control more than half the Riksdag.

In Germany the first Marx cabinet entered office on December 4, 1923, with the support of the Social Democrats, the Democrats, the Center and the People's Party and weathered the period up to the May elections unchanged. In view of the altered composition of the new Reichstag, Marx recast his cabinet, omitting the Social Democrats but relying on their support for various measures. As indicated above, the results of the December elections effectively precluded Marx from continuing in office,<sup>56</sup> as no ministerial combination could be formed to oppose the Nationalists.

Of the other countries in Central and Eastern Europe, Poland, Hungary, Czechoslovakia, Rumania and Bulgaria weathered the year without any cabinet changes, while peaceful transfers of administration occurred in Austria, Yugoslavia, Lithuania, Latvia and Esthonia.

In Austria the Seipel cabinet, supported by the Christian Socialists and the German Nationalists, resigned during the railway strike early in November. Though requested by President Hainisch to retain office, Seipel again resigned on November 12<sup>57</sup> after the successful settlement of the strike, and was succeeded by Dr. Rudolph Ramek, with Dr. Alexander Mataja at the Foreign Office. Cumulative discontent within the Christian Socialist party over high national taxation, which conflicts with its federalist program of leaving many financial matters in the hands of the *Länder*, added to the unwise intrusion of the question of religious education which Seipel had raised in acute fashion was a dominant factor in paving the way for the change. No alteration of either financial or foreign policy has ensued.<sup>58</sup>

The year 1924 was marked in Yugoslavia by the two reconstructions<sup>59</sup> of the Pašić ministry, the entry into power of the Davidović cabinet representing the Revisionist bloc of members of the Croatian Peasant Party, the Yugoslav Democrats, the Slovene People's Party and the Bosnian Moslems, and its unexpected overthrow by the Fabian tactics

<sup>55</sup> *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33; June, 1924, p. 29; *Memorandum* from the Finnish Legation, December 4, 1924, pp. 1-2.

<sup>56</sup> *New York Times*, December 12, 1924, citing *Germania*, December 11, 1924.

<sup>57</sup> *New York Times*, November 9, 14, 1924.

<sup>58</sup> *Bulletin Périodique de la Presse Autrichienne*, No. 137, citing the *Arbeiter-Zeitung* of October 20, 22, 1924, and the *Neue Freie Presse* of October 19, 1924.

<sup>59</sup> March 24 and April 12, 1924.

of Pašić after an existence of less than two months.<sup>60</sup> Thus the political cycle has swung clear around in Yugoslavia, and the country finished the year with almost the same political combination that was in power at its beginning. Unfortunately, the personal intervention of King Alexander in the last crisis and the return of the Pašić-Pribićević ministry to power<sup>61</sup> augurs ill for any prospect of settlement between Serbs and Croats.<sup>62</sup>

In Lithuania the cabinet of Ernest Galvanauskas resigned at the end of May after the rejection of a government bill granting further credits for railway construction. It was succeeded in June by that of Antanas Tumenas, with Woldemaras Charnekis, formerly charge d'affaires at Washington, at the foreign office.<sup>63</sup> The new government is backed by the Christian Democrats, the Farmers' Union and the Federation of Labor in the Seimas.<sup>64</sup>

In Latvia the Meierovics cabinet, supported by the Agrarians, Democrats and Minimal Socialists, resigned in January, and was succeeded by that of Zamuels, based on the Democratic Center and nonpartizan elements in the Saeima, and relying on the good will of the Democratic bloc, the Social Democrats and national minority groups for legislative support. The Zamuels cabinet lasted until December, when it resigned in order to permit the reconstruction of the existing coalition by the addition of other groups previously neutral or hostile.<sup>65</sup>

A ministerial crisis arose early in the year in Esthonia, the members of the Labor Party in the Paets cabinet—a coalition of Agrarians, Christian Democrats and Laborites—having resigned due to differences with their colleagues over financial policy. In consequence Dr. Friedrich Akel, minister of foreign affairs in the outgoing cabinet, formed a ministry on March 26, with the support of the Democratic bloc, the New Settlers, the Labor Party and the Russian bloc. The Akel cabinet lasted till December with the Agrarians and Communists alone in opposition and the Social Democrats neutral.<sup>66</sup> Following the Com-

<sup>60</sup> From July 27 to October 15, 1924. Cf. *Gazette de Prague*, March 26, April 16, August 2, 1924.

<sup>61</sup> This was a coalition of Radicals, Old Serbian Moslems and Dissident Democrats, like the April cabinet. It took office October 20.

<sup>62</sup> Cf. *Central European Observer*, October 25, 1924, and *The Near East*, Vol. XXVI, pp. 417, 495, October 23, November 13, 1924.

<sup>63</sup> *Central European Observer*, June 28, 1924, p. 1.

<sup>64</sup> *Memorandum 5266* from the Lithuanian Legation, December 12, 1924, p. 1.

<sup>65</sup> *Memorandum 9529* from the Latvian Consulate, December 10, 1924, p. 1.

<sup>66</sup> *Central European Observer*, April 5, 1924, p. 2.

munist revolt at Reval on December 1, the Akel cabinet resigned to make way for a new government headed by Jüri Jaakson, a National Democrat. The general feeling was that a government based on a broad coalition comprising a clear majority of the State Assembly could best give expression to the feeling of national unity which swept the country in the wake of the revolt. The Jaakson cabinet brought the Agrarians and Social Democrats into the former coalition.<sup>67</sup>

In Soviet Russia the selection of Rykov as the constitutional successor to Lenin may be regarded as having marked a temporary reversion from the New Economic Policy back toward the unsullied communism of 1917-1920.<sup>68</sup>

Of the changes above recorded, only those in Yugoslavia have betokened important deviations from previously accepted national policies on matters not related to financial reconstruction, on which, as already noted, far-reaching departures from previous policies of inflation have been brought about. In Yugoslavia, the advent to power of the short-lived Davidović cabinet on July 27, 1924 marked a clear break with the Greater Serbian centralization program of Pašić, and a real step, now completely reversed by the latter's return to and perpetuation in power, toward a harmonization of the political aims of Serbs, Croats and Slovenes.

Political oscillations, arising from the aftermath of war, of victory or defeat, of exultation or enervation, from political reorientation and the actual realization of national self-government, have continued to reveal the trend of public opinion in its organized forms. An evaluation of the direction in which such oscillations tended in 1924 may be arrived at by an analysis of the condition of the parties, from Right to Left, in the various countries under observation. For convenience, Monarchist, Clerical, Agrarian, and Communist groups are here considered.

Barring the Russian emigrés,<sup>69</sup> whose political manoeuvres abroad

<sup>67</sup> *Memorandum* from the Estonian Legation, December 18, 1924, pp. 1, 9; *New York Times*, December 17, 1924.

<sup>68</sup> Regarding the efforts of the Commissariat for Internal Trade to renew its former monopoly on private trade, see *Central European Observer*, May 17, 1924. For a statement of the opposition to this move sponsored by Trotsky and Preobrazhenski at the 13th Communist Congress cf. *Central European Observer*, June 7, 1924.

<sup>69</sup> Typical of Russian emigré activities was the founding at Paris, on December 11, 1924, of the Russian Nationalist Committee backing Grand Duke Nicholas for a restored but "constitutional" monarchy. Cf. *New York Times*, December 12, 1924, p. 23, c. 3. The efforts of "Czar" (Grand Duke) Cyril to summon a Crown Council in Paris are reviewed in the *New York Times* of November 14, 1924, citing the *Possledny Novosti*, Miliukov's Paris paper.

have been without direct influence on the Soviet Government, important monarchist groups exist only in Austria, Hungary, and Germany. In Austria, the *Oesterreichische Staatspartei* and its newly founded compeer, the *Conservative People's Party*, claim appreciable gains, but not sufficient to make them in reality serious factors in national politics.<sup>70</sup> In Hungary, "monarchist" agitators continue to be divided between the supporters of a "national" and those of a "legitimist" monarchy, the latter, since the Dethronement Act of November 4, 1921, having been reduced to a politically impotent but socially influential minority. The only important monarchist event of the past year has been the formation by Deputy Eckhardt, a son-in-law of Regent Horthy, of a new legitimist group, the *Hungarian Independent National Party*, which, however, has not as yet materially influenced the policy of the Bethlen Government.<sup>71</sup> In Germany militant monarchism of the Ludendorff-Hitler variety is definitely on the wane, as may be instanced by a comparison of the May and December election figures, the ultra-Ludendorffians having been virtually wiped out in the last elections. The net gains of the avowedly monarchist Nationalists in the December elections have in no way imperilled the republican regime, and the participation of the Nationalists in the Luther ministry indicates no abandonment of republican institutions.<sup>72</sup>

In direct contrast to the activity of monarchists in republican countries may be noted the painful position of republican parties in countries constitutionally monarchical. In Hungary the Defence of the Realm Act has been repeatedly invoked against republican demonstrations, while the republican press and republican deputies are continually dragooned.<sup>73</sup> Scarcely more happy has been the lot of the Croatian

<sup>70</sup> The claims of the *Staatspartei* are reviewed in the *Gazette de Prague* March 1, 1924, p. 1, citing *Oesterreichische Nachrichten* of February 11, 1924. The Conservative People's Party was founded October 25, 1924. Cf. *Gazette de Prague*, October 30, 1924, p. 1.

<sup>71</sup> The Programme of the new party is a mixture of feudalism, clericalism, anti-Semitism, and . . . the party stands for frustrating the execution of the peace treaties." *Central European Observer*, November 1, 1924, p. 1.

<sup>72</sup> Cf. the statement of Chancellor Luther to the Reichstag on January 19, 1925, that the Constitution of the German Republic was the foundation upon which his government would rest. "Every violent illegal blow at that constitution," he added, "will be met as high treason." Cf. *New York Times*, January 20, 1925, p. 1, c. 3.

<sup>73</sup> Cf. the reply of Minister of the Interior Rakoyzsky to deputy Ruppert on May 3, 1924, that "in virtue of a law of 1920 Hungary was a monarchy and that by Article 31 of the law of 1923 (Defence of the Realm Act) every act contrary to

Peasant Party in Yugoslavia, whose leader, Radić, has been accused of treason for holding republican views.<sup>74</sup>

The rôle played by the Clerical parties in the different countries has not altered sufficiently to differentiate 1924 from the preceding years. Apart from Germany and Austria, where they have been the chief factors in pushing through financial reconstruction plans and aiding in the maintenance of republican institutions, the parties with an ecclesiastical orientation have been primarily assiduous in bringing about the negotiations for concordats<sup>75</sup> with either the Orthodox or Catholic hierarchy or both. The tendency of clerical parties, particularly in Slovenia, Croatia, Slovakia and the Alpine provinces of Austria and Bavaria, to favor a wide degree of cultural autonomy, amounting almost to separatism, appears to reassert itself from time to time without, however, creating any appreciable complications in national or international life.

Playing a minor rôle in industrialized states, but growing in importance in predominantly agricultural areas, the various agrarian parties have been outstanding factors in the furtherance of land reform,<sup>76</sup>

the idea of royalty and favorable to republican ideas is considered a delict." *Gazette de Prague*, June 7, 1924, p. 2.

<sup>74</sup> As to Pašić's treatment of and attitude towards Radić, cf. *The Near East*, Vol. 26, p. 450, October 30, 1924. See also note 79 *infra*.

<sup>75</sup> The subject of concordats does not, properly speaking, come under international relations, and is therefore dealt with as a purely domestic problem. Bavaria signed a concordat with the Vatican on March 29, 1924 *Bulletin Périodique de la Presse Allemande*, No. 305, April 19, 1924, p. 1. Yugoslavia, under article 12 of the Vidovdan Constitution, which makes the negotiation of religious agreements compulsory for the Government, is planning a Catholic concordat *Gazette de Prague*, October 1, 1924, p. 2. Poland, because of her peculiar religious situation, has planned an Orthodox concordat (*Ibid.*, May 31, 1924, p. 2) and actually negotiated with the Vatican as well (*Ibid.*, October 1, 1924, p. 1) though the latter's conditions have proved hard to meet. Rumania's negotiations, opposed by the Orthodox clergy on the one hand (*Ibid.*, April 12, 1924) and by the Hungarian Roman Catholic prelates on the other (*Central European Observer*, June 14, 1924, p. 1), were finally postponed indefinitely (*Ibid.*, August 23, 1924, p. 1).

<sup>76</sup> On the work of the Agrarian Party in Czechoslovakia cf. *Bulletin Périodique de la Presse Tchecoslovaque*, No. 10, June 23, 1924, and the *Central European Observer*, October 18, 1924, p. 1. On the status of the Party of Small Landowners in Hungary cf. *Gazette de Prague*, October 30, 1924, p. 2. In Yugoslavia the Zemlyoradnici are a weak third party but work toward similar ends *The Near East*, Vol. 26, p. 527, November 20, 1924. Regarding the Union of Agriculturists in Latvia cf. *Memorandum 9529* from the Latvian Consulate, December 10, 1924. The Agrarians in Bulgaria have been hopelessly disorganized and persecuted since the death of Stamboulisky. *The Near East*, Vol. XXVI, p. 553. November, 27, 1924.

bitter opponents of high protective tariffs on manufactured goods,<sup>77</sup> but hard workers for the consolidation and reconstruction of their respective countries. Basically it is the agrarian parties in the new states that are the bulwarks of constitutional government.<sup>78</sup> Only in three regions, Bulgaria,<sup>79</sup> Croatia,<sup>80</sup> and Rumania,<sup>81</sup> have the agrarian leaders dallied with communism, and even there the agrarian programs, as at present formulated, are hardly in harmony with the oppressive tactics which Moscow pursues toward the muzik.

The process of legal destruction and dissolution of communist parties continued in 1924. Poland, Finland, Hungary and Esthonia, having survived in each instance a Red Terror, have been unwilling to legitimize the activities of communists and have shown little clemency to those engaged in activities subversive of the state.<sup>82</sup> In their wake, Bulgaria<sup>83</sup> and Rumania<sup>84</sup> have attempted legal dissolution, but the agents of the Third International in Moscow have not ceased their

<sup>77</sup> Cf. *Bulletin Périodique de la Presse Tchecoslovaque*, No. 11, September 23, 1924, on the conflict in Czechoslovakia, which is typical.

<sup>78</sup> Cf. *Ibid.*, No. 10, June 23, 1924, citing *Venkov*, May 17, 1924.

<sup>79</sup> This is true only of "the more rabid followers of the late Stamboulisky," (*Memorandum* from the Bulgarian Legation, December 6, 1924, p. 2) now largely emigrés in Yugoslavia.

<sup>80</sup> The visit of the Croatian Peasant Party leader, Radic, to Moscow, and his affiliation with the Agrarian International there (*Gazette de Prague*, June 14, 18, 1924) was by no means acceptable to all the rank and file of his following (*The Near East*, Vol. XXVI, p. 85, July 24, 1924) and elicited a scathing condemnation from Pasic. Cf. *Central European Observer*, August 23, 1924.

<sup>81</sup> The Rumanian Peasant Party seems to have come under Muscovite influence and to have preached the class struggle in much the same way as do the Russian communists. The fusion with the National Party of Transylvania seems to indicate a return to ordinary "constitutional" tactics. Cf. *Gazette de Prague*, June 18, 1924, p. 1.

<sup>82</sup> Esthonia alone seems to have been clement to communism, the government believing it unwise to repress agitation and that free discussion and untrammelled public opinion could best handle the situation *Current History*, Vol. XX, p. 616. The futility of this means of action would appear obvious from the revolts of 1924. Cf. notes 85-88 *infra*.

<sup>83</sup> By a decision of the Bulgarian Court of Cassation on April 3, 1924, the Bulgarian Communist Party and all allied organizations were dissolved in virtue of the law relative to the protection of the State. Cf. *Gazette de Prague*, April 9, 1924, p. 2. An authoritative statement of the policy of vigilance pursued by the Zankoff Government is given in the *Memorandum* from the Bulgarian Legation, December 6, 1924, p. 2.

<sup>84</sup> The Rumanian Socialist and Communist parties were both dissolved in July. Cf. *Gazette de Prague*, August 2, 8, 1924.



activities in fomenting insurrection in Esthonia, border raids on Poland and Rumania, and sundry acts of violence elsewhere, in an effort by militant action to spread the communist gospel in the interests of aggrandized Sovietdom.

In Esthonia an uprising of communists was nipped in the bud on January 21, 1924.<sup>85</sup> Those implicated were convicted and sentenced to long terms in prison.<sup>86</sup> The "imported revolution" of December 1, 1924, in the suppression of which Minister Kark lost his life, was unquestionably directed from Russia. It is stated that the *Pravda* had announced the revolt beforehand and had issued an appeal to the Esthonian proletariat in that behalf. The uprising was completely suppressed and the leaders executed.<sup>87</sup> The electrifying effect of this revolt in uniting the nation against Bolshevism has already been noted.<sup>88</sup>

Red Army raids across the western frontier of Soviet Russia were intermittent throughout the year. Among these the raids on Stolpce,<sup>89</sup> Vilna,<sup>90</sup> and other points of territory belonging to or occupied by Poland have been important. The creation of the Moldavian Republic<sup>91</sup> just opposite Bessarabia after a series of raids into that portion of Rumania,<sup>92</sup> marked a patent endeavor of Russia to settle the Bessarabian question by other methods than those of diplomacy.

In Russia itself, however, communism is on the defensive. The campaign of recruiting begun following the death of Lenin netted

<sup>85</sup> Cf. the statement of Minister Einbund to *Wada Maa* of Reval, in *Central European Observer*, March 1, 1924, p. 1.

<sup>86</sup> *New York Times*, November 28, December 2, 1924; *Memorandum* from the Esthonian Legation, December 18, 1924, pp. 6-7.

<sup>87</sup> *New York Times*, December 2, 4, 9, 1924. "It is believed," states the Esthonian *Memorandum*, "that the hopeless and foolish attempt to seize power was made on instructions from the Communist Internationale whose aim is to overthrow the democratic institutions in other states . . . and so destroy the world confidence in the stability of the new Baltic States which form a bulwark against the westward movement of Bolshevism. Quick liquidation of the uprising and complete peace over the entire country show the stability of the established democratic régime in Esthonia, as well as the determination of the government and Parliament to safeguard democratic institutions and order in the country."

<sup>88</sup> Cf. p. 350 *ante*.

<sup>89</sup> *Central European Observer*, August 15, 1924, p. 1.

<sup>90</sup> *Ibid.*, August 23, 1924.

<sup>91</sup> *Bulletin Périodique de la Presse Russe*, November 22, 1924, p. 2.

<sup>92</sup> *Central European Observer*, August 30, 1924, p. 2; October 4, 1924, p. 1.

128,000 new adherents for the Communist party, bringing its total membership up to about 600,000 members, whereas in June, 1923, it numbered only 472,000. According to official statistics, however, only a scant majority of the membership was made up of workers,<sup>93</sup> and most of the new recruits to the party's standard have known no other regime than that of the Soviets since reaching years of discretion. An interesting light on the composition of the Soviets in 1924 is shed by the following table:<sup>94</sup>

PARTY COMPOSITION	MIR	VOLOST	TOWNS	COUNTY	PROVINCIAL
Communist.....	7%	48%	58%	87%	89%
Non-Communist.....	93%	52%	42%	13%	11%

These figures indicate that despite the recruiting campaigns communism, once clearly dominant throughout the Soviet structure, is slowly but surely being submerged by the filling up of the lower ranks in the soviet hierarchy with peasant proprietors, while it is conceded, even among the high priests of Sovietdom, that an effort to return completely to a regime of undiluted communism would be suicidal. Thus Djerjinsky was forced to admit before the conference of the Provincial Economic Councils in December that "Soviet legislation and Communist Party instructions often are too hasty and 'conservative' with regard to the elimination of private capital from the sphere of trade and industry." He further intimated that the policy of the government was to be considerably modified, as it had been "bending the stick too far." His recommendation of a reversal of this policy and of the granting of permission to foreign capital to participate "carefully" in industry would appear to mark a return to the New Economic Policy of 1921.<sup>95</sup>

No discussion of the status of political parties would be complete without a mention of various party divisions and fusions which have taken place. The merging of certain minor groups into greater blocs or parties capable of conducting an efficient campaign in parliament or in the country at large has been a principal endeavor in Poland, Rumania and Jugoslavia.

<sup>93</sup> In 1924 the party was composed of 55.4% workers, 20.3% peasants, and 21% employers and others. The percentage of peasants shows a decrease of 6% from 1923. Cf. *Central European Observer*, June 28, 1924, p. 1.

<sup>94</sup> *Ibid.*, "About two-thirds of the members joined after the Bolshevik revolution, or three-fourths, if the Lenin recruits are included."

<sup>95</sup> *New York Times*, December 5, 1924.

In Poland Premier Grabski's effort to gain the support of Stanislas Thugutt, leader of the Peasant party, led to a partial disintegration of that party, several members seceding from it and joining their fortunes with the *Wyzwolenie* or Liberty party, to which a like group of secessionists from Witos' *Piast* party had adhered. The lines of division were primarily due to the unwillingness of Thugutt and Witos to accept a program of gratuitous distribution of land to the peasantry without compensation to the landlords.<sup>96</sup> Grabski was finally successful in reconstructing his cabinet to include Thugutt at the end of November.<sup>97</sup>

In Rumania the National Democratic Party joined with the Popular Party to form the National People's Party,<sup>98</sup> while the National Transylvanian party and the Agrarian party joined forces in June to form the National Peasant party.<sup>99</sup> As the Socialist and Communist parties have been dissolved, this leaves Rumania with almost a three-party system, the remaining party being the Liberal Party now in power, whose moving spirits have been the Bratianus.

In Jugoslavia, the creation of the Democratic bloc which permitted the entry into power of the Davidović cabinet aligned the Slovene People's Party, the Croatian Peasant Party, the Yugoslav Democratic Party and the Bosnian Moslems against the Old Serbian Radicals and the Dissident Democrats.<sup>100</sup>

On the whole, despite the tendency of royalist factions to found new and impotent parties, the tendency would appear to be toward the integration of political parties into fewer, better-disciplined groups, a wholesome tendency which an abandonment of existing schemes of proportional representation—without doing violence to national minorities—might do much to promote.

#### FOREIGN RELATIONS

The discussion of foreign relations may be best attempted by a classification of questions or problems into those of (1) coöperative, (2) parallel or reciprocal, and (3) conflicting interest, a method of grouping which is used in delimiting the agenda of the Little Entente.<sup>101</sup> Among

<sup>96</sup> *Gazette de Prague*, June 28, 1924, p. 2.

<sup>97</sup> *San Francisco Chronicle*, November 30, 1924.

<sup>98</sup> *Gazette de Prague*, May 14, 1924, p. 1.

<sup>99</sup> *Ibid.*, June 18, 25, 1924.

<sup>100</sup> *The Near East*, Vol XXVI, p. 162, August 14, 1924.

<sup>101</sup> Cf. *Central European Observer*, May 17, 1924, p. 1, for an excellent exposition of this theory.

questions of coöperative interest are to be found the major problems of international politics, from matters of humanitarian import like the stamping out of typhus, or the exchange of refugees or prisoners, the relief of famine, or the regulation of international river navigation, to the settlement of the outstanding issues of reparations, disarmament, arbitration and security. The work of various international commissions as well as that of the League of Nations is too well known to need mention here. But attention may be directed to the continued functioning of (1) the Baltic Conferences and (2) the Little Entente, as regional agencies in the area under discussion for the periodic review and solution of questions of common and coöperative interest.

During 1924 Baltic Conferences were held at Warsaw, Kovno and Riga, while one was scheduled to meet toward the end of the year at Helsingfors. The Warsaw Conference (February 16-17, 1924) was attended by representatives of all the Baltic countries except Lithuania, and succeeded in drafting an arbitration project of considerable importance, *ad referendum*.<sup>102</sup> The Kovno Conference (May 19) attended by Russia, Esthonia, Latvia and Lithuania, was primarily a technical conference looking to the improvement of commercial relations and communication. The strained relations between Finland and Russia over the Carelian question kept Finland from attending, while the Polish Lithuanian dispute prevented the attendance of Poland.<sup>103</sup> The Riga Conference (July 25) was restricted to Latvia and Lithuania, and confined to the endeavor to conclude a customs union. Its success in concluding "a series of agreements of a practical character" to bring these two Baltic states closer together makes it perhaps the most significant conference of the year.<sup>104</sup> The proposed Helsingfors Conference was postponed from August to November on account of the impending negotiation of the Geneva Protocol<sup>105</sup> and was again postponed on account of the refusal of Lithuania to attend.<sup>103</sup>

The effectiveness of these gatherings in solving the common questions of security, mutual assistance, arbitration and closer economic union was largely vitiated by the continued and apparently well-founded distrust of Poland by Lithuania, which has precluded any meetings at

<sup>102</sup> *Gazette de Prague*, March 3, 1924, p. 2.

<sup>103</sup> *Ibid.*, May 17, 1924, p. 2; *Central European Observer*, May 10, 1924, p. 1.

<sup>104</sup> *Gazette de Prague*, July 30, 1924, p. 1; *Memorandum* from the Latvian Consulate, No. 9529, p. 3.

<sup>105</sup> *Central European Observer*, October 25, 1924, p. 1.

<sup>106</sup> *Gazette de Prague*, October 8, 1924, p. 1.

which both Lithuania and Poland might be present. While this condition of affairs exists, which only the liquidation of the dispute over Vilna in the interest of Lithuania can terminate, Baltic Conferences may produce limited, though valuable, results in purely technical matters affecting two, three, or even four states, but never any lasting general agreements of far-reaching importance.

By contrast the meetings of the Little Entente at Belgrade, Bled, Prague and Ljubljana were notably successful. The Belgrade Conference (January 10-12) was primarily intended to secure concerted action of the Little Entente in regard to the reconstruction of Hungary. The consent there accorded the financial reconstruction program was largely the work of the Czechoslovak foreign minister, Dr. Eduard Beneš. The adjusting of the relations between the members of the Little Entente in view of the Franco-Czech alliance and the pending Italo-Yugoslav pact was also involved.<sup>107</sup> The Bled Conference (May 12-13) in turn marked the necessary exchanges of views preliminary to the negotiation of the Italo-Czech treaty of coöperation.<sup>108</sup> The Prague Conference (July 11-12) was devoted to a consideration of the respective interests of Czechoslovakia, Yugoslavia and Rumania in the revision of the reparations settlement as well as in the negotiation of the protocol of arbitration, security and disarmament at Geneva.<sup>109</sup> The Ljubljana Conference (August 27) was held in an endeavor to reach an agreement respecting the attitude of the three states toward the Dawes plan and military control in former enemy states. It was also necessitated by the change in administration in Yugoslavia and the desire of Marinković to meet his Czech and Rumanian colleagues.<sup>110</sup>

On the whole, then, it may be said that the conferences of the Little Entente have been largely instrumental in facilitating the liquidation of the long-standing Adriatic controversy by the Italo-Yugoslav alliance, in preparing the way for the financial reconstruction of both Hungary and Germany, in laying the foundations for the negotiation of the Geneva Protocol, while making possible at least a partial liquidation of the Bessarabian problem between Russia and Rumania.

<sup>107</sup> *Bulletin Périodique de la Presse Yougoslave*, No. 49, February 16, 1924.

<sup>108</sup> *Gazette de Prague*, May 17, 1924, p. 1.

<sup>109</sup> *Bulletin Périodique de la Presse Tchecoslovaque*, No. 11, September 23, 1924; *Bulletin Périodique de la Presse Yougoslave*, No. 54, August 9, 1924; *Gazette de Prague*, July 16, 1924, pp. 1-2; *The Near East*, Vol. XXVI, p. 85, July 24, 1924.

<sup>110</sup> *Central European Observer*, August 23, 1924, p. 1; *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924.

Among questions of parallel or reciprocal interest have been those of recognition and the assumption or resumption of diplomatic relations, particularly involving the foreign relations of Albania, Greece and Russia.<sup>111</sup> The two revolutions in the first, the transformation of Greece into a republic, and the gradual forced coming to terms between the western Allied Powers and Soviet Russia marked the most important diplomatic negotiations of a purely political character. Of no less importance were the varied negotiations for the formulating of consular and commercial treaties,<sup>112</sup> which were epidemic throughout Central Europe in 1924 as the economic clauses of the various treaties of peace<sup>113</sup> granting the Allies five-year economic privileges approached their termination. Such negotiations were necessarily accompanied by others for the liquidation of various matters of a nonpolitical nature, primarily relating to matters of a juridical, administrative, procedural or technical character.<sup>114</sup> The resulting liquidation conventions have been of paramount importance in clearing up the legal and economic

<sup>111</sup> For example, Albania and Russia mutually recognized each other (*The Near East*, Vol. XXVI, p. 446, October 30, 1924); Yugoslavia promptly came to terms with the new Greek government on April 30, 1924 (*Bulletin Périodique de la Presse Yougoslave*, No. 52, June 5, 1924) while Austria (February 27, 1924) and Denmark, following in the wake of the Great Powers, recognized the Soviet Government *de jure* (*Bulletin Périodique de la Presse Autrichienne*, No. 152, April 3, 1924; *Gazette de Prague*, June 18, 1924, p. 1).

<sup>112</sup> Among such may be mentioned those of Austria with England (May 22), Latvia (August 9), and Rumania (July 25); of Czechoslovakia with Italy (7 treaties, March 18), Lithuania and Norway (May 26) and Turkey (October 11) of Finland with Belgium, Denmark, England, Holland and Latvia (July 23); of Germany with England (December 2) and Spain (July 25); of Hungary with Yugoslavia (June 26), Russia (September 13) and the United States (November 12); of Yugoslavia with Italy (July 14); of Latvia with Holland (July 2) and Norway (August 14); of Poland with Denmark, Estonia, Japan, Latvia, Russia, Sweden and the United States, as well as Russia's treaties with China, England and Italy. Of course many more treaties were under negotiation, but the foregoing, as accomplished facts, are indicative of the trend of diplomatic activity in 1924.

<sup>113</sup> Cf. Article 280 of the Treaty of Versailles, Article 232 of the Treaty of Saint Germain, Article 160 of the Treaty of Neuilly, and Article 215 of the Treaty of Trianon.

<sup>114</sup> Among such were those of Austria with Italy, resulting in six liquidation treaties of July 25, and with Rumania (16 treaties of the same date). Finland signed five liquidation treaties with Russia on June 18, winding up the legal consequences of the Treaty of Dorpat, while Hungary signed various treaties with Yugoslavia, and twelve liquidation conventions with Rumania on April 18, to clarify the situation left by the Treaty of Trianon.

debris of the World War, and confirming the territorial and political settlements previously reached. •

Added to these have been questions relating to mutual limited territorial guaranties and military and political alliances, within the limits permitted by the Covenant of the League of Nations. Their solution was marked in 1924 by the Italo-Yugoslav<sup>115</sup> and Italo-Czech<sup>116</sup> alliances, the Franco-Czech alliance,<sup>117</sup> the Rumano-Yugoslav military convention<sup>118</sup> the pending Franco-Yugoslav treaty, and the negotiations still in progress, as, for example, between Italy and Rumania, at the end of the year.

Finally may be enumerated the questions of conflicting interest, usually final territorial settlements, such as those relating to Memel,<sup>119</sup> Javorina and Spis,<sup>120</sup> the Banat<sup>121</sup> and Fiume,<sup>122</sup> arrived at directly or through the mediation of outside agencies, and the arbitration of various disputed legal or political questions.

The index to felicitous international relations lies in the increase of coöperative and parallel policies and in the reduction of conflicting ones, while providing agencies for the peaceful liquidation of controversial matters by either judicial or conciliatory processes. With the possible exception of Russia, such tendencies are believed to be in process of becoming general in the foreign relations of the nations under review.

In conclusion, it is believed that by comparison with 1923 the internal and external political situation of the states of Central and Eastern Europe appears appreciably improved, due to the return to sound financial standards, the implementing of democratic constitutions, the consolidation of political parties, the liquidation of international difficulties and the increase of international coöperative effort. Many problems remain for the future, yet in general the record for 1924 is one of achievement.

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<sup>115</sup> Signed January 29, 1924. Cf. *Bulletin Périodique de la Presse Yougoslave*, No. 50, April 15, 1924.

<sup>116</sup> Signed July 5, 1924. Cf. *Central European Observer*, July 12, 1924.

<sup>117</sup> Signed January 9, 1924. Cf. *L'Europe Nouvelle*, Vol. VII, p. 154.

<sup>118</sup> Signed October 9, 1924. Cf. *Gazette de Prague*, October 11, 1924, p. 1.

<sup>119</sup> Signed May 8, 1924. Cf. *Elta Bulletin* No. 50, pp. 1-4 for the text of the convention.

<sup>120</sup> Signed May 7, 1924. Cf. *Gazette de Prague*, May 10, 1924, p. 2.

<sup>121</sup> In execution of an accord of November 24, 1923. Cf. *Gazette de Prague*, April 16, 1924, p. 2.

<sup>122</sup> Cf. note 114 *supra*.

**The Reichstag Elections.** Although two general elections were held in Germany during 1924, the political situation remained confused. The election of May<sup>1</sup> resulted in gains for both the extreme right and the extreme left; the one of December registered a reaction against both extremes. However, neither of these contests was sufficiently conclusive to indicate clearly the direction in which the currents of public opinion were moving. The result has been a remarkable series of cabinet crises, the latest of which it took more than a month to settle.

But in spite of the political confusion growing out of the indecisive election contests, Germany found herself in a much more hopeful condition at the end of 1924 than at any previous time since the war. The Herriot government in France had shown a disposition to come to an agreement with Germany. At the London Conference Germany received assurance that the Ruhr would be evacuated and that foreign capital would be made available for the restoration of her industries, and her representatives, in turn, accepted the Dawes plan for the settlement of the reparations problem. The legislation necessary for the carrying out of the plan was later adopted by the aid of the Nationalist party, which before the May election had vigorously condemned it as a second Versailles. Marx, Herriot, and MacDonald succeeded in introducing a new spirit of compromise which promised far more in the way of actual results than the Poincaré method of threats and ultimatums. Thus it was the consensus of opinion that 1924 brought appreciably nearer the settlement of European war issues.

For more than a year previous to the May election, the German government was controlled by the moderate elements, the Democrats, the Centrists, and the People's Party, who could usually depend on the support of the Social Democrats. These three coalition groups, together with their Socialist allies, had a large majority in the Reichstag.<sup>2</sup> Moreover, since the opposition consisted of the two extremes, the Nationalists and the Communists, the government was stronger than its large majority indicated.

<sup>1</sup> For an account of the May election see W. J. Shepard, "The German Elections," *Am. Pol. Sci. Rev.*, Aug., 1924.

<sup>2</sup> In the Reichstag before the May election the government parties were represented as follows: Social Democrats, 169; Democrats, 40; Center, 72; People's Party, 65; Bavarian People's Party, 20; The opposition parties had the following representation: Nationalist, 71; Communist, 25. *Berliner Tageblatt*, Dec. 11, 1924.



In the election of May, however, the government parties and their allies, the Socialists, suffered serious reverses.<sup>3</sup> They returned, it is true, a majority of the Reichstag members, but their majority was so small that the control of the government was continually in doubt. Ultimately this uncertainty and the division of opinion as to the inclusion of the Nationalists in the coalition led to the dissolution of the Reichstag and the election of December 7.<sup>4</sup>

The most important issue before the last Reichstag was the question of the acceptance of the Dawes report on the settlement of reparations. That issue had been the most prominent one before the electorate in the recent election, since the Marx government had committed itself definitely in favor of the plan, while at least many of the prominent leaders of the Nationalists had vigorously condemned it. One of the laws necessary for the acceptance of the Dawes plan, that concerning the railways, required a constitutional amendment, for the adoption of which the constitution prescribes a two-thirds vote of the Reichstag. Obviously the opposition had it within its power to defeat the measure. The question was whether the Nationalists were willing to take the responsibility for such action.

The actual test came in the Reichstag session of August 29 when the laws and the constitutional amendment necessary for German acceptance of the Dawes report and the London Agreement were scheduled to come to a vote. The session was a dramatic one, for the Nationalists had kept both the Reichstag and the public in the dark relative to their final decision on the question at issue. On the bank bill, which required only a majority vote, the division resulted in 262 votes for and 172 against. The other laws were adopted by similar majorities. On the railway bill there were 441 votes cast—for the bill 314, against it, 127. The government parties, People's, Center, and Democrat, voted in favor of the bill; the Communists and the Extreme Nationalists (*Volkische*) voted against it. The Nationalist party had left its members free to vote as they pleased and some forty of them voted with the coalition and the Socialists, thus insuring the required two-thirds majority necessary to amend the constitution.

<sup>3</sup> Frank H. Simonds, "The German Election," *Am. Rev. of Rev.*, June, 1924.

<sup>4</sup> From May to October the government parties had the following representation: Social Democrats, 99; Democrats, 28; Center, 65; People's Party, 45; Bavarian People's Party, 16. The chief opposition groups were represented as follows: *Volkische* (Extreme Nationalists) 32; Nationalists, 106; Communists, 62. *Berliner Tageblatt*, Dec. 11, 1924.

Included among the Nationalist leaders who voted for the railway bill were Admiral von Tirpitz and Prince Bismarck. The Nationalists were severely criticised for strongly opposing the Dawes report and then helping to secure its adoption. The more moderate members of the party had never been outspoken in opposition to the reparations settlement and doubtless were convinced that it promised sufficient advantage to Germany to merit at least a trial. It is probable also that many Nationalists were influenced by the knowledge that if the necessary votes were not secured there would be another Reichstag election in the near future.<sup>5</sup>

The Reichstag vote in favor of the Dawes plan did not, however, stabilize and confirm in power the cabinet of Dr. Marx. On the contrary, it raised the difficult, and as events proved, insoluble problem of the admission of the Nationalists into the government coalition. The Nationalists were eager to participate in governing the country and Dr. Stresemann, the foreign minister and leader of the People's party, was insistent that they should be allowed to do so. In fact it was rumored that Nationalist votes had come to the support of the government on August 29 only after Stresemann had promised that party a number of cabinet positions at the earliest time possible.<sup>6</sup> With this view of the People's party, however, the other coalition groups were not in agreement. The Democrats, in particular, were opposed to the foreign minister's policy of a movement to the right. They had been the target of Nationalist criticism and were profoundly alarmed by the openly avowed monarchical theories of the Nationalists. The Center, with its membership drawn from all classes of people from extreme monarchists to radical socialists, was divided on Stresemann's plan but did not seriously oppose it. The Socialist allies of the govern-

<sup>5</sup> For an account of the Reichstag session of August 29 see an article in the August 30 issue of the *Vossische Zeitung*, reprinted in the *Living Age*, Oct. 11, 1924. The *London Times* in an editorial entitled, "The German Acceptance" commented as follows: The German Government and the German people are to be congratulated warmly on the result. It is a triumph of common sense; but while that triumph was foreseen by well-informed and judicious observers, it was not assured until the last moment. President Ebert and his Cabinet had, indeed, wisely and boldly decided that, whatever the fate of the Bills Germany would sign the Agreement; but had the Bills failed to obtain the necessary majority a Dissolution would have been inevitable, and the whole scheme would have been exposed to the risks of a General Election fought largely upon other issues. *Times Weekly Edition*, Sept. 4, 1924.

<sup>6</sup> *Times Weekly Edition*, Oct. 23, 1924.

ment were bitterly opposed to the Nationalists, and their opposition added to that of the Democrats would have made the government's position impossible had the plan been carried out.

Confronted by such divisions among his followers Chancellor Marx sought to reconstruct his ministry during September and October. He at first attempted to secure an agreement with the Nationalists and the Socialists with a view to the inclusion of both groups in a reconstructed cabinet. He was willing to have them enter the government provided they would recognize the inviolability of the Weimar Constitution, give their support to the London Agreement and the government's foreign policy, and advocate Germany's entry into the League of Nations.<sup>7</sup> Although both parties expressed a willingness to accept these terms "in principle," neither wishing to assume responsibility for a new election, the Chancellor found it impossible to bring the two irreconcilable groups together in an understanding that promised the minimum requisite of stability. The Center remained undecided on the issue. On October 14, the party issued a statement that the existing government should remain unchanged, but a few hours later issued another to the effect that the Nationalists should be included if the Democrats would remain in the coalition. The Democrats, however, opposed this suggestion and passed a resolution in favor of the existing arrangement. They urged the ministry to appear before the Reichstag and demand a vote of confidence.<sup>8</sup> The left wing of the Center was greatly strengthened by the firm stand of the Democrats, who exerted an influence altogether out of proportion to their strength in the Reichstag. Obviously a deadlock had been reached. Stresemann and the People's party would remain in the government only if the Nationalists were admitted.<sup>9</sup> The Democrats would support the government only if the Nationalists were excluded. After all hope of an amicable arrangement was exhausted, Chancellor Marx,

<sup>7</sup> *Manchester Guardian Weekly*, Oct. 10, 1924.

<sup>8</sup> "The German People's party received a rebuff. It did not secure its much desired object, the Bürgerblock. The German people were saved from this catastrophe by the determination of the Democrats." *Berliner Tageblatt*, Oct. 21, 1924.

<sup>9</sup> Doubtless one of the main reasons for Stresemann's determination to have the Nationalists in the government, now that the acceptance of the Dawes plan had been secured, was his desire, as leader of the great industrialists, to insure a system of taxation for Germany which would shift the financial burdens involved in the Dawes plan to the shoulders of the masses of the people through customs and excises and thus lighten the taxes on incomes and property. See an informing article by Georg Bernhard, editor of the *Vossische Zeitung*, in *New York Times*, Nov. 30, 1924.

on October 20, asked President Ebert for a dissolution of the Reichstag. The President issued the decree and the election was set for December 7.<sup>10</sup>

As in the past, there were numerous parties and factions in the field. The Berlin Correspondent of the *London Times* reported that there were fourteen contesting parties in the city of Berlin alone and more than fifty in the whole of Germany. The number of candidates was estimated at 4,638.<sup>11</sup> However, just as in the previous election, there were only eight parties which enjoyed considerable support and were seriously considered as factors in the contest. These were, from right to left: Extreme Nationalist (*Völkische*), Nationalist, People's Party, Bavarian People's Party, Center, Democratic, Social Democratic, and Communist. These parties had all but a score of the mandates in the Reichstag before the dissolution and they retained their pre-dominance in the December election.

The Nationalist party issued a proclamation definitely announcing its belief in the restoration of the monarchy. "Our party," said the party program, "remains as it was—monarchist and nationalist. Our aims are German and national. Our glorious colors are black, white, and red. Our will is firmer than ever to create a Germany free from Jewish and French domination, free from Parliamentary cliques and the domination of capitalism—a Germany in which we and our children again proudly wish to do our duty."<sup>12</sup> The Extreme Nationalists, led by Ludendorff, were even more outspoken in their appeals for the overthrow of the republic and the restoration of the old régime.

During the campaign the People's party continued attempting the difficult feat of facing both to the right and the left at the same time. In those regions where the party hoped to gain at the expense of the Nationalists it assumed a decidedly monarchic position, while in others where its chief opponents were the Democrats and Centrists it emphasized the necessity of carrying out loyally the country's agreements with foreign powers. Like the Nationalists, it displayed the old German colors.

Except in such districts as southern Germany and the Rhineland, where religious questions have great political significance, there was no real struggle between the Centrists, the Democrats, and the Socialists. In fact, these three groups fought the campaign as a Republican bloc united in an organization known as the *Schwartz-Rot-*

<sup>10</sup> *Berliner Tageblatt*, Oct. 16-21, 1924.

<sup>11</sup> *London Times*, Dec. 5, 1924.

<sup>12</sup> *Manchester Guardian Weekly*, Oct. 24, 1924.

*Gold*, the colors of the Republic. This organization, formed in the spring of 1924 to combat the activities of the monarchists, enlisted in less than a year more than three million members and was extremely active during the campaign. It is equipped with uniforms and banners, is under semi-military discipline, and is recognized as a powerful force working for the maintenance of republicanism.<sup>13</sup>

The Communists, although they kept up a vigorous and boisterous agitation throughout the campaign, seemed to most observers destined to lose heavily in the election. Economic conditions had improved decidedly since the May election, when the irreconcilables had made serious inroads on the Social Democrats. Moreover, it was believed that the obstreperous procedure of the Communists in the late Reichstag had alienated all but the most violent extremists.

As was generally expected, the election resulted in losses for both the extremes—the Ludendorff Nationalists and the Communists—and corresponding gains for the more moderate elements. It did not, however, seriously affect the preëlection balance between the right and the left. In other words, the electorate again failed to give a definite answer to the main questions submitted to it—monarchy or republic and the loyal fulfilment of the Dawes plan. The Social Democrats gained at the expense of the Communists, and the Nationalists gained at the expense of the party of Ludendorff. The People's Party, the Centrists, and the Democrats all improved their standing to some extent; but the hope of the Republicans that these parties and the Socialists would win increases large enough to enable them to assume unquestioned control of the government was not realized.

The following table<sup>14</sup> shows the party representation in the Reichstag before and after the December election.

PARTY	MAY ELECTION	DECEMBER ELECTION	GAINS	LOSSES
Extreme Nationalist.....	32	14		18
Nationalist (with Land Union).....	106	110	4	
People's Party.....	44	50	6	
Center.....	65	68	3	
Bavarian People's Party.....	16	19	3	
Democrat.....	28	32	4	
Social Democrat.....	100	130	30	
Communist.....	62	45		17
Others.....	19	25	6	

<sup>13</sup> *London Times*, Dec. 6, 1924; *New York Times*, Nov. 30, 1924.

<sup>14</sup> *Berliner Tageblatt*, Dec. 11, 1924; *Times Weekly Edition*, Dec. 11, 1924; *Manchester Guardian Weekly*, Dec. 12, 1924.

Under the list system of proportional representation used in German elections the size of the Reichstag depends upon the number of votes cast, each party being entitled to one seat for every 60,000 votes it receives. The old Reichstag contained 472 members; the new one, because of the larger popular vote at the December election, contains 493 members. The popular vote for the parties securing mandates was as follows:<sup>15</sup>

Extreme Nationalist.....	891,671
Nationalist.....	6,122,255
Land Union.....	498,003
Peoples' Party.....	3,017,132
Bavarian People's Party.....	1,111,786
Center.....	4,061,593
Democrat.....	1,902,646
Social Democrat.....	7,788,250
Communist.....	2,679,429
Others.....	1,253,868

The foregoing figures show that there was a remarkable popular interest in the election. It is estimated that more than 82 per cent of all those eligible to vote actually went to the polls. Even the high standard of the May election was surpassed.

In the new Reichstag are found practically all of the leaders of the old one. This is to be accounted for partly by the election system which places great power in the hands of the party leaders. If a prominent party leader happens to be defeated in his election area, a place can be given him on the national list of the party. The candidates whose names appear on the national party list are elected by the party's remainders from the local electoral areas. General Ludendorff was returned at the head of his greatly shrunken Fascist group. Admiral von Tirpitz, Count Westarp, Herr Hergt, Professor Hoetzsch, and Prince Bismarck were among the Nationalist leaders reelected. The People's Party is again led by Dr. Stresemann, known as the "crisis maker." Marx, Wirth, Fehrenbach, and Stegerwald represent the Center. Among the Democrats are found Herr Erkelenz, Dr. Dernburg, and Count Bernstorff, the former ambassador to the United States. The most prominent Social Democrats returned are Breitscheid, Hilferding, Loebe, Severing, and Müller, the reputed party boss. Ruth Fischer, the noisiest of the Communists, was again elected.

Since it did not materially alter the strength of the various party

<sup>15</sup> *Times Weekly Edition*, Dec. 11, 1924.

groups the election did not make the formation of a strong government easier. Shortly after the results of the election were known, Chancellor Marx attempted to secure an agreement for the inclusion of the Socialists in the government and thus to form a "Great Coalition," to consist of the People's Party, Centrists, Democrats, and Socialists, with a combined vote of 280 in the Reichstag. Such an arrangement would have given the government a safe majority. This plan was, however, rejected by Stresemann, who renewed his efforts to have his friends, the Nationalists, included. Thereupon the Chancellor resigned, stating that he could not assume responsibility for a government composed of Nationalists whom he could not trust to carry out his policies. The President now asked Stresemann to form a cabinet. The Foreign Minister attempted to do so, but met an insuperable obstacle in the Centrists' absolute refusal to coöperate with the Nationalists. Without the Centrists, the Bürgerblock could not be established. As soon as the decision of the Center was made known to him by Dr. Marx, Stresemann told President Ebert that his efforts to form a government had been in vain and asked that some one else be commissioned to undertake the task. Chancellor Marx then renewed his efforts, but they proved fruitless. All imaginable combinations of the several party groups, as well as so-called nonpartisan arrangements, were tried, but to no avail.<sup>16</sup>

At length, on January 15, Dr. Hans Luther, former Mayor of Essen and Minister of Finance in the Marx cabinet, was named Chancellor. The cabinet which he established consists of the following members.<sup>17</sup>

Dr. Luther.....	Chancellor
Dr. Stresemann (People's Party).....	Foreign Affairs
Herr Schiele (Nationalist).....	Interior
Herr Neuhaus (Nationalist).....	Economics
Herr Schlieben (Nationalist).....	Finance
Count Kanitz (Nationalist).....	Agriculture
Herr Brauns (Center).....	Labor
Herr Frenken (Center).....	Justice
Her Stingl (Bavarian People's).....	Posts and Telegraphs
Herr Gessler (Democrat).....	Defense
Herr Krohne (Non-Partisan).....	Communications

The cabinet of Dr. Luther is made up entirely of members of the bourgeois groups and represents a strong shift to the right. Dr.

<sup>16</sup> The *Berliner Tageblatt*, Dec. 10-Jan. 15, contains full accounts of the party negotiations that preceded the formation of the Luther Cabinet.

<sup>17</sup> *New York Times*, Jan. 20, 1925.

Stresemann's object, the admission of the Nationalists, was thus finally realized. Three of the members of the new government, Stresemann, Brauns, and Gessler, were also in the Marx cabinet. The Chancellor is the first civil service officer to hold that post.

On January 19 Chancellor Luther presented his ministry to the Reichstag for approval. The first sentences of his speech were drowned by the Communist chorus of "Amnesty! Amnesty!" But President Loebe quickly restored order. The new Chancellor began by praising his predecessor's steadfastness in the face of great difficulties. The government, he said, would take its stand on the republican constitution and would oppose and punish as high treason any attempts to alter it by violent or other illegal methods. It would also carry out loyally all the laws passed for the purpose of making effective the Dawes plan and the London Agreement. The Chancellor concluded with an appeal for unity, the only means by which Germany could achieve complete recovery from the effects of the war.<sup>18</sup>

On January 22 the Reichstag gave the government a vote of confidence. The Nationalists, the People's Party, the Economic Union, the Bavarian People's Party, and most of the Centrists voted for the government, while the Social Democrats, the Communists, and a few Centrists, including Ex-Chancellor Wirth, voted against it. The Democrats and the Extreme Nationalists abstained from voting. There were 246 votes in favor of the cabinet and 160 against it. Thirty-nine members did not vote.<sup>19</sup>

Thus in spite of the fact that the republican parties of the left secured additional strength in the December election, the government of Germany ultimately formed represented a decided swing toward the right.

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<sup>18</sup> *New York Times*, Jan. 20, 1925.

<sup>19</sup> *Ibid.*, Jan. 23, 1925.



## REPORTS OF ROUND TABLE CONFERENCES

AT WASHINGTON, D. C., DECEMBER 29-31, 1924

### COMPARATIVE GOVERNMENT

At the three sessions of the round table on Comparative Government, under the chairmanship of Professor Walter J. Shepard, there was a total registration of thirty members and an average attendance of over twenty. The conference opened with the consideration of a number of topics for discussion, the one finally chosen being the causes for the general decline of the legislative branch of government, and the corresponding enhancement of the power of the executive. This problem was considered with reference to the fundamental difference between cabinet and congressional government. Dr. Herman Finer of the London School of Economics explained most illuminatingly the causes for the noticeable relative loss in strength of the English House of Commons. These were shown to be particularly the increasing congestion of business; the incapacity of the House to think out its problems; its lack of ability to control the civil service; and the strength of party ties. The increasing importance of the English civil service was emphasized, and the modification which this branch of the government is effecting in the actual functions of legislation and administration. Comparisons were drawn between the English developments and those in France and the United States.

This general subject was continued during a part of the second session. The remainder of this period was devoted to a discussion of the causes and implications of the Fascisti movement in Italy, to which Professor Henry R. Spencer brought the results of his first-hand observations and of the intensive study which he has been making of this problem.

Professor E. D. Graper, at the third session, made a report on the recent German elections, giving special attention to the operation of the system of proportional representation. The problem of the sources of information for a study of contemporary developments in foreign governments and politics likewise received attention. Professor Spencer gave a survey of Italian newspapers from this point of view, and

Professor F. A. Ogg discussed the development of English and French interest in the study of comparative government.

The question of continuing the round table on Comparative Government at the next meeting of the Association was raised, and a motion was unanimously carried expressing the desire that this be done, and requesting the committee on program to provide for the inclusion of this round table in the program for 1925.

W. J. SHEPARD.

#### INTERNATIONAL AFFAIRS

The Round Table on International Affairs had an attendance of from twenty-two to twenty-six persons at each session. The director announced that the first session would be devoted to discussion of the topic "Research and Instruction in International Politics and Law."

Mr. Denys P. Myers of the World Peace Foundation opened the discussion by noting the unfortunate influence upon research and instruction of certain antiquated conceptions, such as the seventeenth-century notions of sovereignty, which have long since ceased to be in accord with the facts of international life, and urged that more effective use be made of contemporary materials appraised in the light of modern conceptions.

Professors Martin and Stowell asked how the revaluation of fundamental concepts should be handled in dealing with more or less immature students. Mr. Myers conceded the difficulties, but thought that a healthier emphasis might be achieved by more general use of significant contemporary materials.

Professor Wilson was asked to explain the use of the clipping thesis in his course in Harvard University. The discussion was continued by those who had prepared such theses in Professor Wilson's courses.

Professor Wright thought that a great deal could be accomplished by the use of hypothetical cases, especially by assigning such cases to students for thorough study and the preparation of opinions.

Professor Catlin discussed the sub-topic, "Scope, Organization, and Method of Courses in Politics," dealing particularly with the relation of international politics to other social sciences.

Professor Stowell discussed the sub-topic, "Scope, Organization, and Method of Courses in Law," emphasizing limitations upon the use of the case-method in teaching international law.

At the second session, Professor Martin continued the discussion of courses and methods, pointing out that international law is to some

extent case law and intimately related to private law, but that international politics is a subject of uncertain content and ill-defined relation to other subjects. He reviewed the practice in different institutions in respect to the relation established between courses in international law and international politics, comparing courses in international law which appear to be somewhat standardized in plan and content with courses in politics with respect to which there is the greatest diversity.

Professor Wright doubted whether courses in international law can be said to be standardized, pointing out that international law is by no means a body of fixed rules and that only a small part of it is to be found in the cases.

Professor Wilson explained the use made in his own courses of hypothetical cases. Professor Fite favored the combined case and text-book method. Professor Wilson added that it had been his practice to combine text-book, actual cases, and hypothetical cases. Professor Wright emphasized the value of special hypothetical cases assigned for thorough study and written report.

Professor Catlin asked whether political theory should not be kept distinct from international politics and law. Professor Borchard replied that it is impossible to discuss cases without discussing theory, notably such cases as *Schooner Exchange v. M'Fadden*.

Professor Garner stressed the danger in confining international law too much to the study of cases. National cases present only a national viewpoint. Often they give expression to a theory which is not in accord with international practice. The cases of *Exchange v. M'Fadden* and *Cunard Steamship Co. v. Mellon* afford excellent illustrations. Professor Garner had found the material in Borchard's "Diplomatic Protection of Citizens Abroad" much more valuable than the material to be found in many of the cases.

Professor Fite had found that the principles "stick" if derived from the study of cases. Professor Garner doubted the advantage in cases in which the principle is not in accord with international practice. Professor Borchard said that in law schools, at least, the emphasis must be placed on municipal cases, but that other than case materials should be used.

Professor Chamberlain was impressed with the advantages in the use of cases, in that they bring definite sets of fact before the students, but he agreed that other materials must be used. Professor Borchard felt that there were exceptional advantages in the Socratic method. One of the most serious difficulties was the time limitation.

Professor Fenwick suggested that the case method is inadequate and that we should begin with general principles and proceed from general principles to make concrete applications. Professor Wright doubted the possibility of agreement upon general principles, and in any event thought that sound pedagogics required that general principles be derived inductively from the study of cases and incidents.

Professor Fenwick suggested that it would be of the greatest service to teachers of international law and related subjects if there could be prepared for each of the leading nations a digest of documentary materials, similar to Moore's Digest of International Law, in which the interpretation of international law approved by the state concerned could find adequate expression. Professor Fenwick expressed a wish that the Carnegie Endowment for International Peace might be induced to undertake the collection, translation, and publication of such materials. These suggestions were enthusiastically received.

Professor Fenwick offered the following as the text of a resolution: "That it is the sense of this Round Table group of the American Political Science Association that it would be of the greatest service to teachers of international law and related subjects to have at their disposal for each of the leading nations a body of documentary materials, including judicial decisions and the diplomatic correspondence of foreign offices, representing the interpretation of international law approved by the particular nation and corresponding roughly to a brief edition of Moore's Digest of International Law."

Upon motion of Mr. Myers, seconded by Professor Borchard, it was resolved unanimously that the American Political Science Association be asked to make a recommendation to the Carnegie Endowment for International Peace in accord, in substance, with Professor Fenwick's suggested resolution. The same motion instructed the director to appoint a committee of two to present the matter to the Association at its regular business meeting. The director appointed Professors Fenwick and Wright.

Mr. Myers called attention to the materials to be found in the publications of the International Intermediary Institute.

Professor Stowell thought that courses in international law should be open to undergraduates and should be given earlier in the college courses. He was of the opinion that the materials contemplated in Professor Fenwick's suggestion would be invaluable.

Professor Middlebush asked whether international law, as an undergraduate course, is to be regarded as primarily cultural. Professor Fite

thought that it should be given everywhere as an undergraduate course for its cultural as well as other values.

Mr. Myers asked for suggestions with respect to the constitution and use of the Year Book of the League of Nations. Professor Wright hoped that Mr. Levermore's type of Year Book would be continued as hitherto. There was general discussion of the content and value of such a year book.

Professor Fenwick commented upon the value of the round table discussions for all who had participated and expressed a wish that a conference of teachers of international law and related subjects might be held in connection with the next meeting of the American Society of International Law in Washington.

In the discussions which followed reference was frequently made to the work of the conference held in Washington in 1914 under the auspices of the American Society of International Law and to the parts taken by the American Society of International Law and the Carnegie Endowment for International Peace in arranging for that conference. It developed that there was unanimity of opinion in the round table as to the desirability of having another conference at an early date.

Upon motion of Professor Wilson, seconded by Professor Wright, the round table voted unanimously to instruct the director to communicate to the Secretary of the American Society of International Law and to the Director of the Division of International Law of the Carnegie Endowment for International Peace the following resolution: "That it is the sense of the Round Table on International Affairs of the American Political Science Association that a conference of teachers of international law and related subjects should be held at Washington in connection with the meetings of the American Society of International Law in April, 1925."

At the third session, the director announced that the session would be devoted to discussion of the Geneva Protocol for the Pacific Settlement of International Disputes and called upon Professor Garner to open the discussion.

Professor Garner said that the Protocol seemed to embody a very thorough and carefully worked out scheme. He regarded it as "a safe and sane and reasonably effective scheme" for achieving three very important things, viz., security, the judicial settlement of international disputes, and the reduction of armaments. He doubted whether it would ever be ratified. To date only sixteen states had signed and only one, Czecho-Slovakia, had ratified. Most of the world wishes to obtain

great advantages without assuming the necessary correlative obligations. Nevertheless, the obligations proposed by the Protocol are not so onerous as many have assumed. There is no obligation to use armed force in enforcing covenants. The sanctions proposed are economic and political in nature.

Mr. Myers sketched the history of the events leading up to the adoption of the Protocol, emphasized the essential relation between the reduction of armaments and the pacific settlement of international disputes, and pointed out that one of the most difficult problems was raised by the question as to how we should carry out economic and political sanctions. Mr. Myers gave especial attention to the proposition, embodied in the Protocol, that aggressive war be regarded as an international crime.

Professor Middlebush discussed the proposal, likewise included in the Protocol, to invest the Permanent Court of International Justice with compulsory jurisdiction of certain kinds of disputes. Professor Middlebush indicated the significance of provisions of the League Covenant and of the Statute of the Permanent Court in this connection, and gave especial attention to the reservation clause in the Protocol, intended to make it possible for all states, great or small, to accept compulsory jurisdiction.

Professor Garner said that there was no reason to be disturbed about the reservation clause. He did not regard it as in effect nullifying the acceptance of compulsory jurisdiction. Mr. Myers called attention to the use which France had made of the reservation clause.

Professor Wright discussed "The Protocol and Domestic Questions." He called attention to provisions of the League Covenant dealing with so-called domestic questions, decisions of the Permanent Court of International Justice bearing upon the meaning to be attributed to such provisions, and finally to the provisions incorporated in the Protocol. The possible bearing of the Protocol's provisions upon controversies involving the United States was discussed informally and in some detail by several members of the round table.

EDWIN D. DICKINSON.

*University of Michigan.*

#### POLITICAL PARTIES

The round table on Political Parties, led by Professor Raymond C. Moley of Columbia University, began its work by discussing the question of party responsibility. The leader of the round table guided

the discussion into the practical aspects of the problem as well as into its theoretical aspects by propounding queries concerning existing conditions in this country. What body or group of individuals is entitled to speak authoritatively for the whole party,—the national committee, the national convention, the caucus of the House or the Senate conference or both, or some other body? Is a decision of any of these bodies binding on the others and are the state and local party committees in duty bound to follow the lead of the national committee? These and other similar searching questions were raised and discussed,—but not settled!

The absence of party harmony and the tendency away from party regularity led to several suggestions as to why parties were becoming weaker. The ancient differences between the parties were fast disappearing, some thought; while others saw the necessity of a realignment of parties in order that real issues might be raised in elections, and in order that the parties would take opposing sides in regard to these issues. Whether such a realignment of parties is probable and practical was not more than touched upon because of the shortness of the discussion period. Needless to say, there was a lively interchange of opposing opinions on this particular point.

The effect of nonpartisan elections on partisanship was touched upon briefly, and the results of proportional representation upon the party system in cities was discussed in a preliminary way. The first city election in Cleveland under the new charter as well as other proportional representation elections were brought before the round table for consideration. In this connection the question was raised as to where responsibility rests in a city which has a system of proportional representation.

Representatives from the United States Chamber of Commerce explained in some detail how public opinion is mobilized by their organization, and their explanations served to attract many questions relating to the work of legislative agents and the influence of the lobby upon congressional action.

A total of twenty-six persons were in attendance at this round table.

JAMES K. POLLOCK, JR., *Secretary.*

#### POLITICAL STATISTICS

The round table on Political Statistics, led by Professor A. N. Holcombe of Harvard University, continued the discussion of the meeting held at the Conference on Politics in Chicago in September, on public opinion. Three reports were made at Washington.

Professor Ben A. Arneson of Ohio Wesleyan University gave an account of a study he is supervising on Voting and Nonvoting in Delaware, Ohio. The purpose of this survey was to secure data on all persons eligible to vote in the city so as to discover, if possible, variations between voters and nonvoters as to certain qualifications as well as to compare the percentage of nonvoting according to sex, color, age, occupation, education, and so forth. The survey was suggested by the study made in Chicago by Professor Merriam and others. In the Chicago survey, however, only nonvoters were studied, while in this project data were gathered on all persons eligible to vote. Altogether data on 4393 voters were secured out of a total population of 8756. The data were secured through the personal solicitation of undergraduate students in political science. A group of ten seniors under the constant supervision of the instructor was placed in charge of gathering the data by precincts.

The following data were secured on each voter by personal interview with the voter himself or members of the family: Native-born or naturalized, parentage, native, mixed or foreign, length of residence in the community, sex, age, race, marital condition, occupation, type of neighborhood, ownership of home, education and religious affiliation.

After these data sheets were completed they were separated into voters and nonvoters on the basis of the poll-books of the election of Nov. 4, 1924. The final results for the survey have not been obtained as the compilations are still in progress. At the round table in Washington the figures on two precincts only were available. These showed, for example, that of the 627 voters studied in these precincts 227 or about 36 per cent failed to vote in the November elections. The figures further showed that the percentage of nonvoting was about twice as high among men as among women. Thirty-three per cent of the married persons failed to vote while forty-nine per cent of the unmarried voters absented themselves from the polls. The voters in the twenties showed the highest percentage of nonvoting and those in the sixties the lowest. Fifty per cent of those who were educated only in the elementary schools failed to vote as compared with thirty-nine per cent of those who had attended high school and twenty per cent of those who had attended college.

Professor Erwin F. Meyer of Colorado College gave a report on an investigation which he made during the presidential election of 1924. This study attempted to analyze the methods used by political speakers and newspapers in approaching the individual voter. It especially tried



to secure examples of various types of errors in thinking which were common among voters. It showed also how the voters might be swayed in one direction or the other by means of faulty reasoning. The study was carried on by advanced students. These were first asked to read books such as Robinson's "Mind in the Making," Wolfe's "Conservatism, Radicalism and the Scientific Method," Lippmann's "Public Opinion" and Dewey's, "How We Think," in order to acquaint them with the errors which are made in thinking. The research group then formulated what were termed five errors of social thinking, as follows: 1. Rationalization, 2. Personification, 3. Confusion of Issues, 4. Stereotyping, 5. Oversimplification. With this background the workers proceeded to analyze the speeches made at local political meetings, and also the news stories and articles found in typical newspapers from various parts of the United States, in an attempt to secure evidence as to faulty thinking. Students of diverse political affiliations were set to work on the same problem in order that personal bias might be counteracted and minimized. The following outline was used in order to standardize the method of approach:

1. Definition of Problem,
  - A. Use of any of the Five Errors in the formulation of the definition.
2. Suggestion as to Solution,
  - A. Formation of an Hypothesis or series of Hypotheses,
    - x. Critical examination of suggested hypothesis by Standard of the Five Errors of Social Thinking.
3. Verification of Hypothesis,
  - A. Use of Evidence,
    - x. Type of Evidence.
  - B. Critical examination of use and type of Evidence by the Standard of the Five Errors of Social Thinking.
4. Adoption of Solution,
  - A. State of Solution,
    - x. Critical examination of Statement by the Standard of the Five Errors of Social Thinking.
  - B. Application of Solution to the Problem as Defined,
    - x. Critical examination of the application measured by the standard of the Five Errors of Social Thinking.

The investigation was really two-edged. It tended to show how political speakers made use of emotional appeals and illogical assertions

to secure the allegiance of their auditors to one party or the other. It also showed how difficult it was for the individual student to eliminate the prejudices which he naturally had, thanks to his social background.

The investigation followed Lippmann's approach very closely. An attempt was made to work much in the way that Lippman did in analyzing Hughes' speech of July 16, 1916 (*Public Opinion*, pp. 197-99).

The investigation was valuable in developing a technic for discovering errors in thinking. It was even more valuable as indicating how a class of students may be educated in the practical operation of political campaigns. From the viewpoint of interesting teaching it was a distinct success.

The third report was given by Professor Harry A. Barth of the University of Oklahoma. This outlined a series of rules in regard to questionnairing, including the following:

The questionnaire must be motivated.

The language must be simple.

The questions should be capable of a "yes" or "no" answer.

Each question should cover only one issue.

The questions should refer to specific situations rather than to general policies.

The briefer the questionnaire, the greater the probability of securing replies. The value of the questionnaire should not be sacrificed, however, to the desire for brevity.

There are many ways of keying questionnaires, but keying is inadvisable.

Never ask for what can be obtained in another way.

The questions should be so arranged as to facilitate answering.

A self-addressed stamped envelope should be included.

It is not necessary to place the name and address of the parties addressed on the letterhead.

The ballots should reach the reader just prior to the week-end.

To combine a large number of distinct subjects in a questionnaire will probably lead to a low return.

A thought provoking questionnaire will probably yield fewer returns than one on which opinion is already formed.

Explanations must be clear and definite.

Some difficulty will invariably be experienced where the recipients are requested to distinguish between more than two possible choices.

The follow-up is of first importance.

A questionnaire, properly distributed, will bring any results you may desire.

A questionnaire, properly worded, will bring any results you may desire.

The propaganda value of questionnaires should not be overlooked.

The work of weighting the results must be carefully done.

Present evidence is insufficient to determine who answers questionnaires.

A personal interview should be used wherever feasible.

The questionnaire does not measure the intensity of opinion.

It is impossible to tell from a questionnaire whether the opinions expressed are reasoned or are the result of an ephemeral judgment.

HARRY A. BARTH, *Secretary*.

*University of Oklahoma.*

#### PUBLIC ADMINISTRATION

At the sessions of the Round Table on Public Administration there was an attendance of 21 to 22 persons, with a total of 37 at the three sessions. At the opening of the first session Mr. W. F. Willoughby, the chairman, opened the discussion on the general problem of centralization and coördination of governmental functions. Is it desirable that control from above be exercised over the administrative units and if so to what extent, and the means or character of control? The control may be exercised on four lines—general administration, finance, personnel, and material; and there are four agencies concerned with these different lines of control; namely, the executive office, the bureau of the budget, civil service commission, and the central purchasing agency.

Should central control along the several lines be exercised by the chief executive or by the legislature? It was noted that the legislature lacks agencies for supervision and enforcement. The states have never analyzed the problem and have tried to meet it in a very haphazard way. The chairman suggested that reports be made from the various states on the progress made.

Mr. Luther H. Gulick reported on the situation in New York state. The movement for administrative improvement had started in 1915, but no consistent program had been adopted on account of a political deadlock. A state budget commission had been established, consisting of the governor, comptroller and two members of the legislature, with the power to prepare a budget which is used as an organ to control the administration. There is an audit by the state comptroller and some central control by the civil service commission and some by

the engineering and tax departments. Plans for reorganization have been proposed providing for twenty departments. This has passed one session of the legislature.

Mr. Graves spoke of reorganization in Pennsylvania. It has established a system somewhat similar to that in the national government. The governor is the head of the administration. There is a budget bureau, the head of which is also secretary of the commonwealth.

Professor Gaus of the University of Minnesota spoke of the changes in Massachusetts. The subject of reorganization was discussed in the recent constitutional convention, and a provision adopted naming a limit at twenty main departments. The joint committee of the legislature proposed a plan of eighteen departments into which numerous other agencies were loosely placed. A budget bureau is also provided. A recent report has been made by a legislative committee, of which Mr. Stone, of Stone and Webster, was chairman, on the working of the reorganized administration. This recommended a reduction to eight main departments, the heads of which should form a cabinet for the governor. What has been done has constituted a cramming program without vision. The plans come from the legislature rather than from the executive leadership. The supervisor of administration is a staff advisor. The Massachusetts arrangement seems to deprive the governor of responsibility. He is controlled in most of his acts by a council of eight members, elected by districts at the same time as the governor, which must pass on all of his administrative acts except appointing military aides. The majority of the council is always Republican. Where the governor and council disagree on appointments, the incumbent continues in office.

Mr. Edwards, of the Brookings School, spoke on the situation in Minnesota. The position was taken that the governor, being elected as a political official, will allow political considerations to run through all the departments if he has the complete appointing power. A type of city manager organization was recommended for the state. Attention was called to the differences that might cause difficulty in adopting this system. The mayor is a member of the council, whereas the governor is not a member of the legislature, and with the manager plan applied to state government, would there be a small unicameral legislature elected as large? Other speakers called attention to the development of permanent under-secretaries in the different departments of government as somewhat analogous to the development of the manager idea.

Mr. Willoughby called attention to the distinction between institutional and functional services. •

On the second day, Mr. Willoughby reviewed the previous day's proceedings briefly and spoke further on institutional and public service functions. In our form of government the legislature is the source of all administrative authority and should act as a check on the administration. The elected state auditor reports to the people rather than to the legislature and his work is often perfunctory. In the United States government the comptroller of the treasury was the real auditor. The new comptroller-general is appointed for fifteen years and is removable only by a joint resolution of congress. His decisions are based mainly on technical legality rather than the administrative advisability of expenditures. The present comptroller is not exercising the full possibilities of his office. The functions of the comptroller-general include both the control over disbursements and the audit of accounts. The settlement of accounts and the payment of claims are executive and administrative acts, while the audit is properly a legislative matter.

Professor Fairlie called attention to the English method, where the comptroller did not exercise direct control over disbursements but made a later audit in connection with the House of Commons committee on public accounts, the chairman of which is regularly a member of the opposition. He believes that disbursements and accounting should be handled through the executive departments, and that the auditing of accounts and examination of financial reports should be made through a committee of Congress with aid of expert accountants, who should be employed by the committee but not ranked as officers of the United States.

The question was raised as to whether the comptroller-general's decision could be overridden by the courts. Reference was made to a Massachusetts act of 1922 which provides for a comptroller and also for an auditor. It was also noted that in Minnesota there is a public examiner who conducts audits mainly of state institutions.

On the third day, the question of central control of material and personnel was considered.

Mr. Merriam of the Bureau of Government Research outlined the general problems involved. He called attention to the Canadian system, where the civil service commission selects the person to be employed and the executive has no choice. Promotion also is a com-

mission matter and in theory the executive has no power. In practice, however, the executive's wishes are usually followed. The system is supported by efficiency ratings.

Under the United States system the executive makes promotions and notifies the commission. Promotions made out of the usual order, however, must be approved by the commission.

The question was raised as to what authority should control questions of classification with reference to salaries and allowances,—the budget bureau or the civil service commission? It was pointed out that there were two separate problems: (1) job analysis, the description of duties and classification, titles and sub-titles, and (2) maximum allowances within the appropriation.

After some discussion it was voted that the Round Table on Public Administration be continued and Mr. Willoughby was elected chairman and Professor Fairlie as secretary for the next year.

DARRELL H. SMITH, *Secretary.*

## NEWS AND NOTES

### PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

*University of Wisconsin*

Uncertainty about the outcome of a proposal for a joint meeting of the American Political Science Association and the New York Academy of Political Science makes it impossible to announce at this time where the next meeting of the Political Science Association will be held. Members will receive a postal card announcement as soon as the Executive Council is in a position to take final action.

Professor Parker T. Moon, of Columbia University, has been transferred from the department of history to the department of public law, as assistant professor of international relations.

Dr. Percy M. Baldwin, who completed his graduate work at the University of California last year, is now professor of history and government in the New Mexico College of Agriculture and Mechanical Arts.

Dr. Charles C. Thach, Jr., associate in history and political science at Johns Hopkins University, has resigned to accept a position as assistant professor of political science in New York University, Washington Square College.

Hon. Robert Luce, member of Congress and author of recent works on legislative organization and procedure, delivered the Godkin lectures at Harvard University in March, on the subject of congressional government.

Dr. C. O. Gardiner, of the University of Cincinnati, is studying in Washington. During his absence his courses in constitutional law are being conducted by Mr. Lawrence Lytle.

Dr. Leo S. Rowe, director general of the Pan American Union, returned to Washington in February from the third Pan-American Scientific Congress at Lima, which he attended as chairman of the delegation of the United States.

Professor Albert Bushnell Hart, on leave of absence from Harvard University during the second half of the year, lectured at the University of Illinois, the University of Wisconsin, and other western institutions during the spring.

Dr. Herman Finer, of the London School of Economics and Political Science, spent the first half of the current academic year at the Brookings Graduate School in Washington and subsequently visited various universities throughout the country.

Mr. Charles Cheney Hyde, who retired from the office of solicitor of the state department on March 4, has been appointed Hamilton Fish professor of international law at Columbia University. Mr. Hyde succeeds Hon. John Bassett Moore, who, after more than thirty years of service in the university, retired last year in order to devote his time to his duties as American member of the Permanent Court of International Justice at the Hague.

Mr. Philip Jessup, formerly of the solicitor's office in the state department, has been appointed lecturer in international law at Columbia.

Professor Herman G. James has resigned from the University of Texas in order to accept the dual position of dean of the college of liberal arts and chairman of the department of political science at the University of Nebraska.

Professor E. M. Borchard, of the Yale University law school, will lecture on American constitutional law at the University of Berlin during the summer term.

Under the auspices of the bureau of municipal affairs of Norwich University, an Institute of Municipal Affairs was held at Montpelier, Vermont, on February 18 and 19. Among topics given special consideration were the manager plan of city government, debt legislation and financing of public improvements, and municipal planning.



The bureau of municipal affairs was established within the department of political science at Norwich in 1921, for the purpose of giving assistance to cities, towns, and villages in the solution of problems peculiar to municipal corporations.

Announcement was made late in February of the establishment of the John Simon Guggenheim Memorial Foundation, the object of which is to provide fellowships for advanced study abroad in all fields of learning. The first awards will be made for the academic year 1926-27, and it is the purpose of the foundation after the first year to maintain annually from forty to fifty fellows abroad. The stipend will be approximately \$2500 a year, and it is expected that the appointees will include younger instructors and professors on sabbatical leave. The foundation is to be managed by a board of trustees, advised by an educational board of which President Frank Aydelotte, of Swarthmore College, is chairman.

The semi-annual meeting of the Academy of Political Science in the City of New York, held on March 9, was devoted to consideration of the general subject "Popular Ownership of Property; Its Newer Forms and Social Consequences." Topics on which numerous addresses were made or papers read were "trades unions and coöperative ownership with reference to employee participation in ownership;" "custom ownership and the small investor;" and "the new proprietorship and its effects."

The twenty-ninth annual meeting of the American Academy of Political and Social Science will be held at Philadelphia on May 15 and 16. The general subject for consideration is American policy and international security. Sessions have been planned on the operation of the Dawes plan, war debts as a menace to international peace, the possibilities of disarmament, foreign investments and international peace, the outlawry of war, and the question whether the feeling of insecurity in Europe can be eliminated without the coöperation of the United States.

The fifth annual Western School for Commercial Executives is to be held under the joint auspices of the California Association of Commercial Secretaries and the department of political science of Stanford University, July 5 to 11, 1925, at Stanford. Prof. E. A. Cottrell is

dean of the school and on the staff are Colvin Brown and William Harper Dean, of the United States Chamber of Commerce, and Charles H. Cheney, city planning expert. Prof. Cottrell has been appointed acting professor for the summer quarter at the University of Washington, and will give courses in administration and state and local government.

Oberlin College has called to the department of political science for next year Dr. Oscar Jaszi, one of the most eminent mid-European scholars in the field of social and political science. Mr. Jaszi, a native of Hungary, was a leader in the educational and political reform movements prior to the war, and was a member of the Karolyi cabinet during the brief interval between the Bolshevist reign of terror and the present reactionary régime. While professor of political and social science in the University of Budapest, he founded and edited the leading political science journal in Hungary, and was also the founder of a society in Hungary somewhat similar in purpose and importance to the Fabian Society in England. He is the author of numerous works on social science and on present and recent European politics. Two years ago he made a tour of America, lecturing in colleges and universities. At Oberlin he will take charge of some of the courses in European politics now given by Professor Geiser and will add a new course on the social theory of the state.

The nineteenth annual meeting of the American Society of International Law was held at Washington, April 23-25. Among addresses given was an illustrated talk on the life and work of Grotius by Professor J. S. Reeves, of the University of Michigan. Other principal items on the program included an address on the codification of international law in America, by Dr. James Brown Scott; discussions of nationality by birth and naturalization, by Messrs. Green H. Hackworth and Richard W. Flournoy, of the Department of State; and papers on the limitations upon the initiation of military action and upon the initiation of war, by Hon. David Jayne Hill, of Washington, and Mr. Thomas R. White, of the Philadelphia bar. The speakers announced for the annual dinner were Hon. Frank B. Kellogg, Secretary of State, and the Right Hon. Sir Esme Howard, British ambassador to the United States.

Among the lecturers invited to the second institute of the Norman Wait Harris Memorial Foundation, which will be held at the Uni-

versity of Chicago from June 30 to July 24, are Count Michimasa Soyeshima, member of the House of Peers of Japan, P. W. Kuo, president of Southeastern University, Shanghai, China, and H. G. W. Woodhead, C.B.R., editor of the Peking and Tien Tsin *Times*. The Institute will devote its attention to the Far East. Social, economic and political conditions in China and Japan, the influence of the occident upon the Far East, British policy in the Far East, and American relations with China and Japan, are among the subjects to be discussed. The University of Chicago is offering a number of courses on subjects relating to the Far East for the benefit of students, and round tables for discussion of particular topics will be organized for the specialists in the field attending the Institute lectures. Correspondence relating to the Institute may be addressed to Professor Quincy Wright, University of Chicago.

In May, 1923, Washington University, St. Louis, announced the establishment of a Graduate School of Economics and Government. A distinctive feature was a Residence Foundation in Washington, D. C., where advanced students could live together and bring their theses to completion. In May, 1924, the school was reorganized; it was definitely located in Washington; a two-year course of study was arranged; and the equivalent of a year of graduate work was made a condition of admission. As the school developed, it became increasingly clear that, because of distance, Washington University could exercise only nominal control; also that the school could better perform its work unhampered by any university connection. Accordingly, the board of directors of Washington University in November, 1924, relinquished all authority over it. In the same month it was incorporated under the laws of the District of Columbia as the Robert Brookings Graduate School of Economics and Government. The staff of the school in 1925-26 will include five men who will give all, or nearly all, of their time to the work; five or more consulting fellows; members of the Institute for Government Research and the Institute of Economics, who will give term courses; and other persons who will give short courses upon particular topics. It is announced that in October, 1925, the school will begin the publication of a journal.

The fifth annual meeting of the National Council for the Social Studies was held at Cincinnati on February 28. The formal part of the program was devoted to a discussion of social science courses in the high

schools, their relation to adult education, and the preparation of high school teachers of social studies. The chief point of interest to the political scientist was the standards for the teaching of the social studies in the high schools recommended at the business meeting: (1) the various branches of the social science should be organized in one department; (2) teachers in this department should have thirty per cent of their college training in the general field of social science and fifteen per cent in the particular branch in which they propose to teach; (3) in the preparation of any teacher of history, government, economics, or sociology, the minimum number of credits should be ten per cent of the total requirements for the bachelor's degree in educational subjects. The Council was opposed to the granting of "blanket" teacher's certificates which permit the holder to teach any high school subject, and favored the group certificate which confines the holder to a related group of subjects, e.g., history, government, economics, and sociology.

A meeting of the executive committee of the Social Science Research Council was held in Chicago on February 14 for the consideration of various projects relating to the scientific aspects of human migration and for other purposes. The Council's committee on fellowships met in Chicago on March 14 for the purpose of considering the applications for the new research fellowships for 1925-6. More than one hundred applications were received, and the awards were made at the annual meeting of the Council on April 4. The constituent members of the Social Science Research Council have been increased by the accession of the American Psychological Society and now include the American Political Science Association, the American Statistical Association, the American Sociological Society, the American Economic Association, and the American Psychological Society.

At its annual meeting in Chicago on April 4, the Social Science Research Council announced the appointment of the following fifteen scholars as research fellows of the Council for the year 1925-26, selected from a total of 108 applicants:

Luther Lee Bernard, Ph.D. Professor of Sociology, University of Minnesota. Problem: A study of the development of the social sciences in Argentina with special reference to the economic, political, and other cultural circumstances under which they were developed. Place of study: Argentina.

Charles Warren Everett, M.A. Instructor in Department of English

and Comparative Literature, Columbia University. Problem: Life of Jeremy Bentham and the editing of his unpublished manuscripts. Place of study: London.

Harold F. Gosnell, Ph.D. Instructor in Political Science, University of Chicago. Problem: Factors determining the extent of popular participation in elections in typical European states. Place of Study: Washington, D. C., England, France, Germany, Belgium.

Marcus Lee Hansen, Ph.D. Assistant Professor of History, Smith College. Problem: A basic study of the origins of the foreign elements in the settlement of the Upper Mississippi Valley. Place of study: Washington, Dublin, London, Geneva, Berlin, Hamburg, Bremen.

Joseph Pratt Harris, Ph.D. Instructor in Political Science, University of Wisconsin. Problem: Workings of election registration systems in the United States. Place of study: Headquarters at Chicago, field work throughout the country.

William Jaffee, Docteur en Droit. Tutor in French and Economics, College of the City of New York. Problem: The Industrial Revolution in France. Place of study: France.

Edgar W. Knight, Ph.D. Professor of Education, University of North Carolina. Problem: A study of the Folk high schools in Scandinavian countries, especially Denmark, Sweden and Finland. Place of study: Europe.

Simon S. Kuznets, M.A. Fellow in Economics, Columbia University. Problem: Secular trends in economic theory, their interrelations and their bearing upon cyclical fluctuations. Place of study: New York City.

Ross S. Malmud, M.A. Graduate student, Columbia University. Problem: The psychology of literary ability. Place of study: Columbia University, New York.

Thomas P. Martin, Ph.D. Associate Professor of American History, University of Texas. Problem: A study of Anglo-American relations as influenced by economic, political and social forces playing within and between the two peoples. Place of study: England.

Hutzel Metzger, M.S. Research Assistant, University of Minnesota. Problem: An analysis of the price of certain farm products, with a view to deriving information that will promote the better adjustment of agricultural production. Place of study: Minnesota.

Ernest E. Mowrer, Ph.D. Assistant Professor of Sociology, Ohio Wesleyan University. Problem: Family disorganization as a socially inherited behavior pattern. Place of study: Chicago.

Mrs. Mildred Dennett Mudgett, Ph.D. Assistant Professor of Sociology, University of Minnesota. Problem: Legislation affecting the pre-school child in certain European countries. Place of study: England, France, Italy, and Scandinavian countries.

Sterling Denhard Spero, Ph.D. Fellow, New School for Social Research. Problem: The position of the negro in industry. Place of study: Headquarters at New York. Field investigations.

Dorothy Swaine Thomas, Ph.D. Research Assistant, Federal Reserve Bank of New York. Problem: The economic factor in crime. Place of study: New York State.

The fellows will travel and study in the following countries: Argentina, England, Belgium, Germany, France, Italy, and Scandinavian countries of Denmark, Sweden, and Finland.

These are the first awards of the Social Science Research Council. Plans have been made to offer research fellowships annually for the following four years.

The following are the officers of the Council: President, Dr. Charles E. Merriam, University of Chicago; Vice-President, Dr. John R. Commons, University of Wisconsin; Secretary, Dr. Horace Secrist, Northwestern University; Treasurer, Dean E. E. Day, University of Michigan. The Council consists of twenty-one delegates elected three from each of the following national scientific societies: The American Economic Association, The American Political Science Association, The American Statistical Association, The American Sociological Society, The American Anthropological Association, The American Historical Association, and The American Psychological Association.

The Committee on Research Fellowships of the Council consists of Dr. Wesley C. Mitchell, Chairman, Professor of Economics, Columbia University; Dr. Charles E. Merriam, Professor of Political Science, University of Chicago; and Dr. F. Stuart Chapin, Secretary, Professor of Sociology, University of Minnesota.

The fifth session of the Institute of Politics will be held at Williamstown, Massachusetts, July 23 to August 22. The general lecture courses are to be: "Italy and the Mediterranean Area," by Count Antonio Cippico, of Rome; "Peace Problems of France," by Robert Masson, of Paris; and "The League of Nations," by Professor William E. Rappard, of Geneva. A general conference open to all members of the Institute and its instructional and administrative staffs will be conducted by Mr. Lionel Curtis, of Oxford University, on "The Com-

monwealth of Nations," and another by Professor George H. Blakeslee, of Clark University, on "The Recent Foreign Policy of the United States." Regular round table conferences, meeting three times a week during the session and limited to duly enrolled members, will be as follows: "International Justice," Professor Phillip M. Brown, of Princeton University; "Agricultural and Population Increase," Professor Edward M. East, of Harvard University; "Economic Recovery of Europe," Professor Edwin F. Gay, Harvard University; "International Aspects of Natural Resources," Professor Charles K. Leith, University of Wisconsin; "Problems of Armament," Sir Frederick Maurice, of London; "Outstanding Problems in Inter-American Relations," Dr. Leo S. Rowe, Washington, D. C.; "Some Political Problems in Europe," Professor Bernadotte Schmidt, University of Chicago; and "The Mediterranean Area," Professor Arnold Toynbee, University of London.

The executive committee of the National Conference on the Science of Politics announces that the next meeting of the Conference will be held at New York City under the joint auspices of Columbia University and the National Institute of Public Administration, September 7-11.

The program of round tables includes the following:

*Round Table I.* Politics and Psychology: Experimental Methods of Studying Public Opinion, L. L. Thurstone.

*Round Table II.* Personnel Problem: William E. Mosher, managing director, School of Citizenship and Public Affairs, Syracuse University.

*Round Table III.* Public Finance: State Supervision of Local Finance, John A. Fairlie, professor of political science, University of Illinois.

*Round Table IV.* Legislation: The Delegation of Discretion to Administrative Agencies, H. W. Dodds, editor of the *National Municipal Review*.

*Round Table V.* Political Parties: (Leader and sub-title to be announced later).

*Round Table VI.* Constitutional Law: Determination of Methods for Ascertaining the Factors that Influence Judicial Decision in Cases Involving Due Process of Law, Arnold Bennett Hall, professor of political science, University of Wisconsin.

*Round Table VII.* Nominating Methods: The Development of a Technique for Testing the Usefulness of a Nominating Method, Victor J. West, professor of political science, Stanford University.

*Round Table VIII.* International Organization: International Commercial Development and the Consular System, Pitman B. Potter, associate professor of political science, University of Wisconsin.

*Round Table IX.* Municipal Administration: Research, Luther Gulick, director, National Institute of Public Administration.

*Round Table X.* Regional Planning: Shelby M. Harrison, director, Department of Surveys and Exhibits, Russell Sage Foundation.

The local committee on arrangements consists of Raymond Moley, chairman, Howard Lee McBain, Luther Gulick, Schuyler C. Wallace, John J. Coss, and Joseph McGoldrick, secretary. The committee promises a very interesting program of entertainment supplementing the work of the Conference. Columbia University will make ample provision for the accommodation of the Conference and its members. Housing accommodations for the men of the Conference will be provided in Hartley Hall. Rooms can be secured for \$1.50 a day. The women of the Conference will be housed in Johnson Hall, the new fourteen-story dormitory for graduate women. The Faculty Club, adjoining Johnson Hall and one block from Philosophy Hall, will extend its hospitality to the members of the Conference. Breakfast will be served there a la carte, luncheon sixty cents, and dinner one dollar. The general rooms of the Club, including the lounge, card room, and billiard room, will be at the disposal of the men of the Conference. The women will have extended to them the privileges of the Women's Faculty Club in Johnson Hall. The tennis courts of the University will be available for the use of the members of the Conference.

The directors of the round tables will issue agenda for the work of their groups. These will be sent to the members early in the spring in order that ample opportunity may be afforded for preliminary work in preparation for the Conference.



## BOOK REVIEWS

EDITED BY W. B. MUNRO, AND A. C. HANFORD

*Harvard University*

*Ethics and Some Modern World Problems.* By WILLIAM McDUGALL.  
(New York: G. P. Putnam's Sons. 1924. Pp. xii, 256.)

*Conditions of National Success.* By HUGH TAYLOR. (New York:  
D. Appleton and Company. 1924. Pp. viii, 351).

*Democracy and Leadership.* By IRVING BABBITT. (Boston and  
New York: Houghton Mifflin Company. 1924. Pp. 349.)

*Culture and Democracy in the United States.* By HORACE M. KALLEN.  
(New York: Boni and Liveright. 1924. Pp. 347.)

Here are four authors who figure more or less considerably in the thought of the time, all bent upon making democracy safe for the world in their respective spheres and in their several fashions. Mr. McDougall is all for a recognition of the need of tempering the universal ethic of religion by recognizing the legitimate rôle of the nation as a psychic or moral organism, and its consequent claim to an ethic of its own. Something of the same theme occupies Mr. Taylor. He wishes to determine the proper compromise between an eternal dualism of forces, reason and religion, order and energy, aristocracy and democracy, that will assure the conditions of national success.

Mr. Babbitt, too, is interested in the critique of democracy from an ethical point of view and deplors its lack of standards and leaders. But his appeal is away from the manipulation of social forces, whether through the immigration barriers, eugenics, birth-control, and intelligence tests of Mr. McDougall, or through the balanced compromise of coalition government to which Mr. Taylor looks for salvation. Mr. Babbitt places small reliance on mechanisms or external social arrangements, although he does term his book a defense of the veto power; he has faith only in a cultural salvation, in a return to a real humanism that will clarify the standards of value which individuals must apply in a democracy if "social forces" are not to be used in a sort of effort to lift humanity by its own boot-straps.

From the culture of this humanism it is something of a step to that of Mr. Kallen which is distinctly of the "newer" type. Mr. Kallen

himself describes his point of view as "cultural pluralism," and admits his philosophical indebtedness to the pragmatism of James and Dewey, particularly James. It is directly aimed at the assumption of social psychologists like McDougall that it is possible to postulate cultural superiority for a given race or nation; and at the humanism of writers like Babbitt who think it possible to erect standards of values by critically taking thought about the relations of philosophy and social institutions. Mr. Kallen belongs to the new "humanists" who reduce human nature to "attitudes," "emotions," and economic "actualities," and accept Whitman's gospel of value.

All four enter into the controversial realms of social psychology, with a wide divergence in both premises and conclusions; so that the reviewer hopes to be pardoned the inevitable reflection of his own *parti pris*. For instance, if one accepts Mr. McDougall's ideas of a group mind, one is no doubt committed to as many "ethics" (in the sense proper to social psychology) as there are group minds in which one has become a functioning member. There seems no valid reason to stop with the dualism between national ethics and universal ethics. What of trade-union or professional ethics? What of church ethics, not as a matter of universalizing values within a religion like Christianity, but of differentiating and choosing values in conformity with the infinite variety of sects. The idea of the group mind plays into the hands of pluralists, rather than into those of dualists or monists, culturally as well as politically. But then one need not accept the psychology of the group mind.

It remains to be said that McDougall's estimate of the nation as the most important summary of individuals into a purposive system seems valid under contemporary conditions. Practical ethics are not susceptible, perhaps, of the simple synthesis that is the nation in McDougall's fashion. Yet men's loyalty is demonstrably more firmly attached to the nation than to any other unit, and conventional morality, or the group-imposed *ethos* that he calls national ethics does warp men's lives to conformity—no matter what the religious or universal ethics be.

For students of politics the most suggestive parts of Mr. McDougall's book are those in which he applies his ideas of ethics to political problems: Universal ethics means ultra-democracy; national ethics implies natural aristocracy. Apparently the latter is still to be obtained by sending the best men to parliament and leaving things to them—as the group mind indicated. In the face of the concerted admission

among political scientists of the breakdown of parliamentarism, if ever it really existed on the plane Burke held up to the electors of Bristol, that is hardly more than a pious wish; for parliaments are the creatures of the times; if members have become mere delegates, it is hardly through their own desire to renounce their power.

Still, as a matter of *ought*, not *is*, Mr. McDougall may have the right of it. Perhaps he is right, too, in suggesting that Internationalism is to be preferred to Cosmopolitanism, and that preoccupation with questions of national ethics in world problems may force a better type of representation and allow a freer scope to representatives. These, however, are matters of opinion. They do not justify such a title as the Appendix carries: "Outline of the One and Only Practicable plan for Bringing About the Disarmament of Nations and the Reign of International Justice." His proposals are in good earnest, though, and Mr. N. D. Hirsch, his collaborator, deserves congratulations for his share in thinking out a proposal, which, whatever its faults, is marked by the freshness and brilliance Mr. McDougall always has. Its program will no doubt be a little startling to those who have taken Mr. McDougall's defense of a national ethics seriously, for the proposal involves the control of the air and of all aerial transport by an "International Authority."

The unreality of sociological a-priorism hovers over Mr. Taylor's *Conditions of National Success*, in spite of the "scientific" case which he gives his generalizations. Many of these seem hardly more than obvious truisms. But he reasons, from the conclusion that a working compromise between liberalism and conservatism is a necessity to government, to the further specific proposition that coalition government, still more specifically Mr. Lloyd George's coalition government, is the best possible government under modern conditions because it contains enshrined in itself the perpetual principle of such a compromise.

Mr. Taylor starts from the almost dogmatic assertion of the "fact" that the "individual may more properly be regarded as the creature of the social organism." In spite of proceeding along such dangerous lines, however, he manages to say a great deal about the conditions of national success that is really valid and to the point, if one interprets national success as Mr. Taylor does to mean national survival. In these terms, the condition of national success lies primarily in the subordination of the individual to the national organism. Secondly, the functioning of that organism is made smoother if neither extreme

of the opposing forces in national life extinguishes the other: an Aristotelian balance between religion and reason, ethical education and scientific education, absolutism and democracy, conservatism and liberalism, and so forth.

Mr. Babbitt is, by common consent, one of the few first-rate critical minds in our academic ranks. Anything that he writes is apt to be of some distinction in matter and treatment—and *Democracy and Leadership* is no exception. What presently concerns Mr. Babbitt is the sequel, one might say, of the philosophic trend remarked in his earlier book on *Rousseau and Romanticism*: sentimentalism and utilitarianism enthroned as the philosophy of democracy; the consequent loss of the critical edge from our standards of values; the loss of the humility that goes with a real humanism.

He has chosen Rousseau as his protagonist in the mighty struggle of democracy against Burke, because Rousseau gave to the rationalistic doctrine of the rights of man the drive it lacked in Voltaire, or Godwin (whom Mr. Babbitt hardly mentions, though he was an influence on the times as important to the English contemporaries of Burke as Rousseau himself). One might also wish fuller justice for Tom Paine.

Mr. Babbitt is the apostle of the moral will of a rightly conceived Puritanism—what Bergson would call a *frein vital*, or a brake on doing. At times, when he considers the shortcomings of democracy in this respect, he loses his urbanity and becomes a little too strident for the true humanist in denouncing the "decadent imperialism" toward which we are headed. On the negative side his criticisms are very much like those of Selli re and Spengler. He does not, as Oswald Spengler does, believe we are headed there inevitably. His whole cry is for brakes! brakes! to stop the downward slip—and the brakes of any civilization are standards. But he is as pessimistic as McDougall about the state of the Union, and with as reformatory intent.

There is so much wisdom in Mr. Babbitt's book that criticism is an unpleasant task. Yet it is hard to escape the conclusion that the times, be they never so out of joint, are not to be set right by crying out "Oh cursed spite!" The morally responsible individual, one may agree, is the last hope; but his ears are deaf to mere exhortation when he is too busy to listen. The need "to develop a little moral gravity and intellectual seriousness" is a real one. But it is no more to be filled by renouncing Rousseau in favor of humanism, than the cause of that need is to be found in Rousseauism. The mills of the gods grind other forces than ideas. One must cope with all of them.

As for the veto-power which Mr. Babbitt defends—that depends upon the use to which it is put. By what standard, say, shall we measure its use in indiscriminate injunctions, and judicial absolutism? Only by their fruits, I take it. Mr. Babbitt says that the “forward-looking” professors in law schools who are preaching “social justice” are “boring from within,” for “social justice . . . means in practice class justice, class justice means class war and class war, if we are to go by all the experience of the past and present, means hell” (p. 308). To the reviewer that smacks a little too much of the later Burke to command the respect one usually owes Mr. Babbitt’s opinions.

This is no place to discuss the two appendices, which, philosophically, contain the meat of the book: “Theories of the Will,” and “Absolute Sovereignty.” They make Mr. Babbitt’s case or break it, and are worth reading, as is the whole book.

Whether Mr. Kallen’s book is equally worth reading will depend so largely on point of view that one can only offer it for approval. *Culture and Democracy* is very much in the tone and style of Mr. Kallen’s other writings in the various journals from which several of the essays were taken. They are all bound together by the thread of the immigration problem, and are adventures in what Mr. Kallen terms “cultural pluralism.” If Mr. McDougall and Mr. Babbitt are good Tories in their predispositions, Mr. Kallen is an equally good Radical. His chief bogey is a “Kultur Klux Klan” which will succeed in “Americanizing” all the various cultures contributed to America into “A kind of Rooseveltian *massenmensch*.” He is convinced that there is a real culture in the United States, the product of “variation of racial groups and individual character.” It is a culture which will be lost if we succeed in stamping all our citizens with the meaningless die of “100%ism.” “The Meaning of Americanism” is, all told, a very fine essay, written with a restraint and dignity not found in the other chapters. In the latter chapters it is the tone rather than the matter that one might criticize.

W. Y. ELLIOTT.

*University of California.*

*The Story of the Empire.* By SIR CHARLES LUCAS. (New York: Henry Holt and Company. 1924. Pp. xvi, 286.)

*The Constitution, Administration and Laws of the Empire.* By A. BERRIEDALE KEITH. (New York: Henry Holt and Company. 1924. Pp. xxii, 355.)

*The Resources of the Empire and Their Development.* By EVANS LEWIN.

(New York: Henry Holt and Company. 1924. Pp. xviii, 364.)

*Health Problems of the Empire, Past, Present and Future.* By ANDREW

BALFOUR and H. H. SCOTT. (New York: Henry Holt and Company. 1924. Pp. xxii, 413.)

These four volumes are the first of a series of twelve designed by the editor, Hugh Gunn, as a comprehensive survey of the British Empire of to-day. In some measure, the enterprise is a literary by-product of the British Empire Exhibition at Wembley. The editor has been fortunate in enlisting the services of men who both know their subject and know how to write. Each volume is self-contained, but coördinated in a comprehensive stock-taking.

Sir Charles Lucas, with ripe experience as historian and administrator, tells again the story of the Empire's growth. He begins by recounting the preparation of the little North Sea island for its task of empire, how its people were disciplined and its government consolidated, how its trade expanded and its ships fared forth to far seas. Then from this core he traces the territorial expansion of the Empire and the experiments in political relationship down to the present time. Like many others since Seeley, Sir Charles omits or subordinates all other influences on the shaping of the overseas dominions and colonies: it is a story of how one "island has widened into a quarter of the globe," of "an island which has been the source of it all." There is undoubtedly a great measure of truth and of romantic interest in this conception; it gives unity to the treatment, but it is only a part of the truth: from India to Ireland, from America to Africa, there have been other sources, other backgrounds, than this insular source. Aside from this question as to point of view, there is little in the record to which exception could be taken, and much to acknowledge gratefully. Sir Charles has an eye for the essential, a range of mastered knowledge, a fairness in judgment, and a pithy, vigorous style, which give the reader passing pleasure and lasting understanding.

Professor Keith has faced a harder task. He has had to deal with the present, not with the past, of an organization still in rapid flux, and to include in one volume studies in international law and comparative government as well as in internal political structure. The surveys of the internal workings of the several governments of the Empire are close-packed and well-balanced. More controversial are the sections dealing with inter-imperial relations and international

status. Mr. Keith is insistent that, however far dominion autonomy has proceeded, the British Empire is still a single international unit, and that the British government exercises ultimate power and responsibility in all foreign affairs. This unity, he states, has been largely lost in the distinct representation and action of the dominions in the League of Nations, but remains in all other relations. To sustain this latter contention, Mr. Keith endeavors to explain away the action of Canada and the resolution of the Imperial Conference of 1923 as to separate signature and ratification of treaties. The recent Canadian treaties and conventions with the United States and Belgium are not drawn with "the British Empire" as one of the high contracting parties, but with "His Britannic Majesty, in respect of the Dominion of Canada": the United States Senate rider to the Halibut Treaty, designed to bind all parts of the Empire, was dropped when the treaty was ratified in 1924. Mr. Keith's most insistent contention, that in last analysis the British government holds the power and responsibility of deciding whether full powers shall be issued for signature or ratification of a treaty covering a dominion, is not endorsed by responsible authorities: the Canadian Prime Minister stated, in a House of Commons debate on March 21, 1924, that it was definitely understood in the last Imperial Conference that British ministers in such case serve only as a channel of communication and that the responsibility for the advice rests with the dominion ministers who tender it.

The other two volumes of the series which have appeared are of less general appeal to students of politics, but they fill distinct gaps in the literature of imperial problems. The Librarian of the Royal Colonial Institute has given a well-balanced summary of the resources of the Empire and the trends in present development, with many constructive suggestions for further utilization. Dr. Balfour and Dr. Scott, of the London School of Hygiene and Tropical Medicine, have broken newer ground, as far as popular discussion goes, in their account of the "great drama; an outline of public health history in its relation to the British Empire." What diseases may be said to be "imperial" because of their range and danger, how a health conscience has evolved and found expression in campaigns of sanitation, what yet remains to be done, are recounted with vigor and sanity, in a way to interest every student of the concrete problems of administration.

O. D. SKELTON.

*Ottawa, Canada.*

*Germany in Transition.* By HERBERT KRAUS. (Chicago: University of Chicago Press. 1924. Pp. xi, 236.)

*Germany's Constitutions of 1871 and 1919.* By OTIS H. FISK. (Cincinnati: The Court Index Press. 1924. Pp. vi, 292.)

The lack of accessible and authentic guidebooks in English to the complexities of German political development has left American students of republican Germany somewhat at a loss in any endeavor to interpret the maze of cross-currents affecting the fortunes of the new Reich. The two volumes under review are material and scholarly contributions toward much-needed understanding. In the first the author endeavors to analyze the German mind and calculate, from intimate comprehension, the imponderable forces affecting his countrymen; the second work approaches the new Reich and its constitution in comparison and contrast with their legal forebears, seeking to trace objectively the course of constitutional doctrines.

Professor Kraus's book embodies the lectures delivered in 1924 at the University of Chicago on the Harris Foundation. In consonance with the aim of the Foundation "to give accurate information, not to propagate opinion" the author, after a trenchant analysis of political and social cross-currents in Germany, endeavors with frankness to set forth the German point of view on reparations, the League of Nations, self-determination, the Weimar Constitution and states' rights. "*Je ne propose rien, je ne suppose rien, j'expose*" is his motto, and in general he adheres to this purpose, despite many temptations to digress upon controversial subjects. The author's social-psychological method of dissecting the complex phenomena of German life tends at times to abstruseness, as in his discussion of nationalism, internationalism and universalism (pp. 75-82); but when on firmer legal ground, as, for example, in regard to the theory of reparations (pp. 33-43) and on Germany's attitude toward arbitration (pp. 97-102), he speaks with both authority and clearness. His analysis of party tendencies at the height of the Hitler movement is peculiarly informing, while his clear-cut distinctions between the federalistic and separatistic tendencies of various portions of the Reich are illuminating.

The Weimar Constitution, Professor Kraus holds, was almost completely independent of concrete foreign examples, although it is "a rather patched covering, the cut of which was to a great extent dictated by outside factors." This somewhat paradoxical statement is amplified to show that the joint influence of the draft constitution of the Frankfort Parliament and the old *Reichsverfassung* far outweighed



any extraneous political ideas, but that the application of many far-reaching principles proposed at Weimar was seriously curtailed by the Treaty of Versailles and pressure applied by the Allied governments. Despite the defects which party compromises produced in the constitution, particularly in the Bill of Rights and the distribution of authority between Reich and Länder, which has led to "suicidal" separatist tendencies, Dr. Kraus holds that "if the German people were asked today the question of whether the Weimar Constitution should be fundamentally altered or abolished, the majority would probably answer 'No' " (p. 185).

The service performed by Mr. Fisk's comparative study of the old and new Reich constitutions lies not merely in placing them in juxtaposition, with ample annotation and full introductions to each; the distinctive feature of his contribution is its comparative analysis of the Preuss draft, the Government draft, and the amended committee versions of the new document. His unique "Parallelograph" with its schematic cross-reference tables permits ready discovery of the authorship of the various parts of the Constitution, and of the development of the document through its successive drafts. For this highly developed technique students of comparative constitutional law should be deeply grateful. Mr. Fisk's endeavors at meticulous translation, "mirroring the expressed thoughts of the original writer," are of necessity somewhat labored, but his choice of source materials is in general sound and his excerpts from eminent German authorities on both constitutions of high value. Mr. Fisk modestly disclaims authority as a historian, but has achieved a succinct and valuable account of German constitutional development, particularly during the critical interregnum between the downfall of the old Reich and the establishment of constitutional democracy at Weimar.

MALBONE W. GRAHAM.

*University of California, Southern Branch.*

*Problems of Citizenship.* By HAYES BAKER-CROTHERS and RUTH ALLISON HUDNUT. (New York: Henry Holt and Company. 1924. Pp. xiv, 514.)

The "cult of incompetence" as a synonym for democracy has not had wide acceptance or usage among American educators. On the contrary, in keeping with the American tradition that the citizen is omniscient or nearly so, they have accepted the responsibility for bringing the rising generation to such a level. This is true not only

of primary education but is emphasized in secondary and university education. The normal test of fitness for citizenship consists of such very uncritical requirements as the accident of birth and the recognition of jurisdiction, and in most cases the latter is assumed without declaration. The participation of the citizen is conditioned on the legal side by age, residence, and other formal requirements. In some cases there is added to these the educational requirement of ability to read and write, a test which represents a very low standard in terms of formal training. As a people we have not given much serious consideration to the question of whether the citizen has any vital relation to the state, unless it be in connection with the problem of defense, in which case the individual often finds himself willy-nilly subject to controls of whose existence he has not been previously conscious. The boy of eighteen, who as a citizen is a subject of the draft, is still three years short of being entrusted with any opportunity for partaking in the formulation of public policy. Whether the recent interest in citizen training is the aftermath of doubts and fears generated during the course of the World War, or whether it comes from a genuine recognition of the fact that heretofore no thorough-going approach to the question of citizenship has been attempted and it is therefore now desirable to begin it, serious thought and effort is now being devoted to a study of the whole field of citizenship.

At the very outset it would seem as though this would imply some scientific approach toward the concept and its definition. It is the weakness of much of the present efforts being expended in the field, and likewise of much of the teaching in the field of civics and political science, that the American tradition of the omniscient citizen is not challenged and subjected to scientific analysis. Viewed in the light of the tradition, the present volume is an excellent contribution to a rapidly developing literature. The assumption is that a study of the various problems indicated within its scope, namely, the problem of the newspaper, of immigration, the negro, the feminist movement, industry, civil liberty, international relations, and of war and peace, will qualify the student to function intelligently as a citizen. This may or may not be a sound assumption, but it is the one upon which most efforts in this field are now proceeding. It is fair, however, to inquire whether the assumption itself ought not to come under scrutiny.

Proceeding from the assumption on which this volume starts, one must recognize the difficult question which faced the authors as to what to include and what to leave out. For example, in the field of

real politics the following forces would seem to warrant some consideration: organized propaganda, political tradition, the sources of political controls, the decline of representative institutions, and education. It might be well, for example, for a student to consider what proportion of the social income might have to be expended in order to produce an intelligent body of citizens. One educator who has thought ahead in this direction suggests that it will require the entire surplus of the social income, in which case we have hardly made a beginning. Still the field is so large that it is difficult to quarrel with emphasis.

One must admire the industry and craftsmanship of the authors of *Problems of Citizenship*. In a field so ill-defined the work will be very useful to many who are now struggling with the problem and to whom the experience of the authors is thus made available. The book makes no contribution to the definition of what that problem is, except by inference. The time is not far off when experience will force us back upon the physiological and psychological bases from which we must start, as well as the legal ones now used as the point of departure. Perhaps in the end we will find that different degrees and different kinds of citizenship, adapted to the capacity and ability of the individual citizen, will be desirable. The first problem of citizenship may be the citizen. One suspects, too, that a new technique will have to be developed in order to call forth the power to discriminate between logical and illogical choices, to immunize against directing the citizen, so-called, into channels that are not politically and socially useful.

RUSSELL M. STORY.

*Syracuse University.*

*Farmers and Workers in American Politics.* By STUART A. RICE. (New York: Longmans, Green and Company. 1924. Pp. 231.)

Professor Rice of Dartmouth College calls his study of the question of coöperation between farmers and laborers "behavioristic." But no one need thereby be frightened away from his thoroughly realistic treatment of the most orthodox of data—the Census returns and legislative roll-calls. The first part of his monograph is deductive, an analysis of economic, cultural and psychological backgrounds of the two groups, with an estimate of the way these and similar factors affect the political attitudes of the "average member" of these groups. The second part is inductive, a statistical measurement of farmer-labor alliance (or opposition) in national and state elections, and in Congress and a number of state legislatures.

The author has carried forward another stage President Lowell's study of the influence of party on legislation, in order to make, if possible, an estimate of the influence of group interests on the characteristic behavior of the representatives of these interests. Not only do we want to know that party lines are not tightly drawn in this country, but why they are not, and how we can forecast the probable attitudes of group leaders on specific questions.

There is not space in this brief review to indicate more than the broadest aspects of the author's method or his conclusions. He has analyzed 95,000 individual votes (including those of 98 labor and 259 farmer legislators) in 21 state legislatures during 1057 roll-calls, and numerous votes in Congress, besides the results of the 1920 elections in considerable detail. Throughout there are evidences of careful workmanship—the "criteria" used in defining terms such as farmer and worker are given (Appendix A), and the statistical methods employed are explained (p. 54, etc.). The "correlations" of insurgency with economic conditions and emotional attitudes are searching and suggestive; Professor Rice has made a good case for his theory of political "culture areas." "In comparing the political behavior of farmers and industrial workers, greater differences of opinion may be found within each class, when comparisons are made geographically than between the two classes when comparisons are made in the same limited geographical area. The concept of culture areas enables us to make use of data of this character, for a constant relationship between the two classes in the same area is of more significance than a constant approximation of the views of each class to a fixed type of opinion." (p. 182).

Professor Rice has supplied us with a psychological chart, carefully buoyed by the twenty-seven tables which mark the channels of investigation which he has followed, and equipped with sailing directions for future voyagers—the results of his own soundings. Here is one typical of others as significant, "Thus it appears that farmers and workingmen are least in agreement upon questions which evoke traditional sentiments and emotions regarding moral standards. They are less in disagreement, or even in some degree of agreement, upon questions which are more likely to be solved on rationalistic grounds; or which involve a calculation of self-interest" (p. 214). Let us have more charts like this one as aids to a scientific understanding of the group-ways of our Great Society.

PHILLIPS BRADLEY.

*Wellesley College.*

*The Evolution of American Political Parties.* By EDGAR E. ROBINSON.  
(New York: Harcourt, Brace and Company. 1924. Pp. viii, 382.)

According to the subtitle this book is "A Sketch of Party Development." This secondary characterization is a good statement of the nature of this work. Professor Robinson's book is an attempt to trace the political history of the country as this is developed in the organized activities of political parties.

While in the main the traditional historical divisions of party development have been followed, other distinctive characterizations of various periods have been introduced. Consideration is given at the outset to the origins of American political practice in the divisions in public opinion during and after the Revolution. The accounts of the first party government, the development of the organizations and the failure of party government just before the war are particularly good. The struggles of the party leaders for the control of the organizations and the various phases of recent party development are also well presented.

The view of Rhodes that "the history of political parties is the civil history of the country" is modified by Professor Robinson. This book is accordingly not strictly a political history nor actually an account of all party activities with emphasis upon campaign utterances, beliefs of party groups and the conduct of leaders, "irrespective of their relation to well recognized party organizations." Party is used in the narrower sense as being identical with organization. The history of party activity is, therefore, an account of organized political effort. The party is regarded as the integrating factor in American life, as the motivating agency in the conduct of government.

The effort is made to trace the development of the party system as an organization. The purpose of the book is to show "the influence that party organization has had in the more inclusive history of the government" and to describe the "activities of the succession of comparatively small groups of men, who under the cover of various names, have continuously exercised or sought to exercise the governing powers of the nation."

If this book were regarded merely as a political history one might challenge the author's dismissal of the question of the Alien and Sedition laws in the election of 1800 with Channing's declaration that "it is impossible to trace any connection whatever" between them and the defeat of Adams. But leaving aside controversial subjects and regarding the book simply as a contribution to the literature of political

science one must say that it is an excellent piece of work. The task which the author has sought to accomplish has been well done. Too often texts on political parties give only perfunctory or inadequate attention to the historical development of parties. This book will form a splendid historical introduction to a more analytical study of the American party system.

CHARLES F. WEST.

*Denison University.*

*National Party Platforms.* By KIRK H. PORTER. (New York: Macmillan Company. 1924. Pp. xvi, 522.)

In his preface, Professor Porter admits the difficulty involved in determining what is a national party and what is a party platform. However, he does not show why the resolutions adopted by the ratification meeting of Whigs in 1848 constitute a platform, whereas the resolutions adopted by a ratification meeting of Democrats in 1832 do not; nor does he show why the resolutions adopted by the Socialist Labor party in May, 1924, constitute a platform, whereas the resolutions adopted by the Workers' Party of America the following July do not. The Workers' party actually polled a larger vote than the Socialist Labor party in the election. There may be a reason for these omissions, but less can be said in defense of the inaccurate texts of the 1924 platforms of the two major parties. The Republican party platform (as it appeared in the *Des Moines Capital*) is not complete and it contains one plank that does not appear in the official version. An index would be a valuable addition to this source-book. A very interesting supplement would be a compilation of some of the principal proposals that met defeat at the hands of the platform committees. Such a record would involve a tremendous amount of work. Professor Porter is to be commended for the care taken with the major portion of his compilation of the formal product of the resolutions committees.

HAROLD GOSNELL.

*University of Chicago.*

*The Colonial Background of the American Revolution.* By CHARLES M. ANDREWS. (New Haven: Yale University Press, 1924. Pp. x, 218.)

*The Spirit of the American Revolution.* By JOHN C. FITZPATRICK. (Boston: Houghton Mifflin Company, 1924. Pp. viii, 300.)

The book in which a veteran scholar of the colonial period seeks to generalize and synthesize from his accumulated learning can hardly fail to have a considerable significance. Such a book is Professor Andrews's *The Colonial Background of the American Revolution*, consisting of four essays of from forty to sixty pages each, which form, taken collectively, a study in the development of the relations of the colonies with the mother-country, and in the crisis of imperial statesmanship which is one of the dominant phases of the American Revolution. Professor Andrews insists throughout on the broad conception of his theme, regarding the relations of Britain with her colonies, not from the parochial or exclusively American standpoint, but as a story which can only be understood by understanding alike both England and America. The interpretation of both sides of the matter is, indeed, one of the most striking features of the volume.

Professor Andrews's conclusions are of necessity not very novel, but they have the force of solid scholarship behind them. With regard to the claim of Parliament to legislate for the colonies, he points out that that claim was never denied by the colonists until 1765, and was indeed frequently acquiesced in, whatever may have been the cogency of the legal argument against the exercise of such authority, so ably developed in the recent volume of Professor McIlwain. It was, he declares, the substitution for the mercantile viewpoint of the imperial viewpoint which brought about colonial revolt. The mercantile view was based on immediate profit and loss; the imperial view on the development of vast undeveloped regions, necessitating taxation of the colonies as a part of the process. When taxation came, the emphasis of the American radicals on constitutional theory made a settlement impossible, for, though on economic matters compromise might have been feasible, the second-rate British statesmen of the eighteenth century saw no course open to them but the maintenance of those constitutional claims on which the whole colonial system rested. The Revolution was developed out of the natural failure of a sophisticated, aristocratic governing class to understand the psychology of the frontier, and the aggressive individualism which it bred. The book closes with a renewed emphasis on the necessity of the broad viewpoint, the scientific historical viewpoint, in dealing with the vital story of the American Revolution.

Mr. Fitzpatrick's book is of a very different kind, whose title is far from descriptive of its contents. It consists of a series of brief articles, many of them chiefly of antiquarian interest, on such topics as "The

Bands of the Continental Army," "Washington's Headquarters in Seven States," and "The Post-Office of the Revolutionary War." The materials have been taken from the vast body of historical manuscripts in the Library of Congress, and often collected with the most painstaking care. There are many interesting details, but, unfortunately, details make up the whole volume. Of the deeper forces or of the color and life of the period, implied in the title, the book has very little.

DEXTER PERKINS.

*Rochester University.*

*The Town Proprietors of the New England Colonies.* By ROY HIDE-MICHI AKAGI. (Philadelphia: Press of the University of Pennsylvania. 1924. Pp. xiii, 348.)

The purpose of this study has been "to present an account of the development, organization, activities, and controversies of the proprietors of the New England towns" (p. 13). These groups—distinguished from the more familiar feudal-like rulers of the proprietary provinces—are defined as "the original grantees or purchasers of a tract of land, usually a township, which they and their heirs, assigns, or successors, together with those whom they chose to admit to their number, held in common ownership" (p. 3). Part I is devoted to the institutional aspects of these town proprietors,—the methods by which they acquired property; their internal organization, legal basis, membership and records; their territorial and political activities; and the controversies in which they were involved. Part II traces the effect of land speculation upon the proprietors of the eighteenth century, which, coupled with the influence of boundary disputes, the need of frontier defenses, and the general economic expansion of the century, was responsible for the creation of the later townships (p. 204). Such conditions compelled a departure from the "cautious and prudent policy" of the previous century, and a resulting change in the character of the proprietors to a speculative, heterogeneous type of absentee landlords. Incidentally, the effects of land speculation are shown upon the Great Proprietors,—principally the patentees under the Council for New England—and upon the revival of western claims by the various colonies.

The last chapter contains an admirable summary of the conclusions that the author has reached. He finds that the significance of the town proprietors arises mainly from the fact that they constituted a



land community as distinct from the political community. Because of this position they were the sole instruments in changing land titles from individual to collective ownership. While the town did participate in the control of the division of land in the early part of the seventeenth century, the "town," in its original inception, at least, was nothing but the propriety, and a town meeting was synonymous with a proprietor's meeting (p. 289). From this viewpoint the proprietors became the true "builders of towns" and were responsible for its institutions, protection and expansion. With this conclusion, the author emphasizes his theory as to the origin of the New England towns,—that they "were founded as a result of a simple business arrangement to meet the exigencies of the colonists amid the new environment" (p. 291). This appears to have been the viewpoint of Charles Francis Adams in his *Genesis of the Massachusetts Town*, although Mr. Akagi is apparently unwilling to follow Mr. Adams in his famous "charter theory." Indeed, he rightly dismisses, in addition, the theories of Germanic origin, the "primordial germ," and the English parish analogy on the basis that while they "may contain a truth of their own . . . they never adequately explained the real origin of New England towns" (p. 291). But while the importance of the proprietary system in determining the character of early local New England institutions would be generally admitted after an examination of Mr. Akagi's able analysis, the only question that might arise would be: Does it occupy,—independent of other elements—the predominant influence that the author appears to prescribe to it?

The book is a welcome contribution to the development of New England institutions. It is precise, readable, and scholarly. It contains thirty-eight pages of selected bibliography carefully presented.

JOHN F. SLY.

*Framingham, Massachusetts.*

*The Genesis and Birth of the Federal Constitution.* By J. A. C. CHANDLER, Editor. (New York: The Macmillan Company. 1924. Pp. xii, 397.)

In this volume Dr. J. A. C. Chandler, President of the College of William and Mary, has gathered and edited the addresses given before the first term of the Marshall-Wythe School of Citizenship of that institution, in 1921, by a number of well-known scholars and jurists, including Alton B. Parker, James Brown Scott, and James M. Beck.

As might be suspected from the title, the addresses in order show the reader how our federal constitution has its genesis deep in the political institutions and developments of the past, those of the Greeks, Romans, and Anglo-Saxons; and how it grows with the constitutional struggles in England culminating in the fall of the Stuarts. The reader is then figuratively transported to this side of the Atlantic, where he studies the colonial governments of Virginia and Massachusetts, and then sees the issues and influences working for the union of the colonies. The ensuing addresses contain discussions of the work of the continental congresses, of the articles of confederation, and of the several phases in the actual birth of the Constitution, concluding with the struggle for ratification. The final address by James M. Beck makes an appeal for the preservation of the Constitution.

In the appendix are biographical sketches of the two Virginia worthies for whom the school of citizenship is named, John Marshall and George Wythe. It is perhaps not generally known that George Wythe was the teacher of Marshall, Randolph, and Jefferson, the first professor of law in the United States, and the first Virginia signer of the Declaration of Independence.

*The Genesis and Birth of the Federal Constitution* is a worthwhile addition to the existing volume of literature on our framework of government. The addresses constitute separate tributes to that document, which, to use the words of Gladstone so frequently quoted by the several speakers, is "the most wonderful work ever struck off at a given time by the brain and purpose of man." The thought that will impress the reader, however, is not that the Constitution was "struck off," but that it has evolved through the centuries and will continue to do so as the years proceed.

The book is of value to the general reader, and will be especially helpful to the teacher who desires supplemental readings for courses in constitutional history and government.

ROBERT G. RICHARDS.

*Lafayette College.*

*A History of the Public Land Policies.* By BENJAMIN HORACE HIBBARD. (New York: The Macmillan Company, 1924. Pp. xix, 591.)

The story of the acquisition and disposal of the public domain is here told in a new volume of the Land Economics Series under the general editorship of Professor Richard T. Ely. It is a relatively full story,—as replete with specific details, tables, maps, and charts as space

permits. So pressing has been the need for condensation and so difficult has been the task of selection from voluminous original sources, that a steadfast adherence to the rigid plan has necessarily been attained at the expense of smooth transitions, vivacity of style, and the formulation of a readily-grasped general impression.

Two chapters suffice for a preliminary sketch of the problem, for definitions of terms, and for succinct historical summaries of the various additions to the public domain. So much is simple. Professor Hibbard's real problem begins with the account of the alienation of the domain under successive legislative acts. Some repetition is inevitable, whether each important law is presented section by section, or whether such chapter headings as *The Credit System*, *Preëmption Rights*, *Land for Internal Improvements*, *Land Grants for Education*, *The Homestead*, *Grazing the Public Domain*, *Mineral Lands*,—and so on, are made the basis of classification. Professor Hibbard for the most part chooses the latter method.

The stone-barge of every topic stops at successive legislative quarries, takes on appropriate cargo at each, and eventually arrives—full-freighted—at the building site. There, under the tireless supervision of Professor Hibbard as master-builder and the skilful hands of a special seminar of journeymen, the solid and enduring edifice takes shape.

This brief figurative analogy inadequately characterizes the bulk of the work,—some twenty-five chapters closely packed with facts. Throughout this section the author pauses neither for expressions of his own opinion nor for illuminating subjective comment, though for the benefit of those unwilling or unable to bestow the close attention demanded by the full text he has appended to almost every chapter a brief résumé.

It is in a final chapter of generalization upon the basis of some five hundred pages of fact that Professor Hibbard comes really into his own. In retrospect he sees the frauds, the political maneuverings, the utter lack of any genuine land policy as after all inevitable,—as a price that had to be paid so long as the government used the public domain as “a political and economic balance wheel.” Constructively, Professor Hibbard suggests government aid to those homesteaders anxious to get off bad lands and out of a bad bargain; this being proposed not only as a method of agricultural relief and a device for avoiding overproduction, but also as a means of offsetting any further depletion of the public domain. Moreover, he urges the application of a scientific land policy even now to what remains and to what the govern-

ment may be able to buy back at small cost. Finally, there is the bibliography.

B. G. WHITMORE.

*Tufts College.*

*Selected Readings in Municipal Problems.* By JOSEPH WRIGHT. (Boston: Ginn and Company. 1925. Pp. xviii, 961.)

With this volume the publishers' well-known series of "Selections and Documents in Economics" definitely enters the field of political science as distinguished from economics and sociology. In gathering and organizing his materials the compiler, who is superintendent of the library for municipal research at Harvard University, gives us another illustration of the useful work that can be done in such special libraries. He has clearly aimed to make the present volume serve as a companion-piece to Professor Munro's *Municipal Government and Administration*. The first forty-four chapters of the readings correspond in order and in subject-matter with the forty-four chapters of Professor Munro's two volumes. The forty-fifth and last chapter of the readings contains two selections dealing with the city of today and tomorrow.

In what may be called a vertical sense, the readings are, like Professor Munro's now standard work, highly inclusive. After presenting a few introductory selections dealing with ancient and medieval cities, they take up the growth of cities, urban social problems, the relation of the city to the state, the law of municipal corporations, city charters, nominations, elections, parties and politics, the forms of city government, the council, the mayor, administrative machinery, the civil service, city-planning, highways, parks, water supply, and so on to finance. In a horizontal or geographical sense, however, the readings have a more limited scope. In the more than nine hundred and fifty pages of readings the student will find upwards of one hundred selections written by Americans and devoted primarily to American municipal problems, as against eight of a more general character written by English men and women (Bryce, Mrs. J. R. Green, Frederic Harrison, Macaulay, and Adam Smith), and one by an Italian (Lanciani) on the sanitary conditions of ancient Rome. There are no selections which deal with the modern municipal problems of any foreign land or city. It was undoubtedly wise to lay stress upon American municipal problems, but it would be well in future editions of this work to have the point of emphasis brought out in a sub-title.

The volume is properly styled a book of readings as distinguished from documents. No attempt has been made to include constitutional provisions, statutes, charters, ordinances, or official municipal reports. Extracts are printed from a series of judicial decisions illustrating the law of municipal liability for torts, and there are some seven or eight selections which may be classed as committee or commission reports. In the main, however, the material has been selected from the works of individual writers. One finds here such familiar names as Goodnow, Deming, Rowe, Beard, Lowell, McBain, Fosdick, Pound, Wilcox, and many others.

Where the range of choice is as wide as that offered by the writings on municipal problems, perhaps no two persons would agree as to what items should be included in a book of readings. It is no adverse criticism of either work to point out that, as nearly as we can ascertain the facts, there is not a single duplication of material between the selections in the volume now under review and those in the *Readings in Municipal Government* put out last year by Professor Maxey.

Mr. Wright's work in selecting and editing his materials has, we feel, been very well done. His volume preserves and makes readily available to students a wealth of material not previously easy to get at. Libraries, too, have need of such volumes of selections, and the specialist gives thanks for every book which puts his materials more nearly at his fingers' tips. A full table of contents and an adequate index enhance the value of the book.

WILLIAM ANDERSON.

*University of Minnesota.*

*English Political Institutions: An Introductory Study.* By J. A. R. MARRIOTT. (New York: Oxford University Press. 1925. Pp. lii, 351.)

When the first edition of this book was written in 1910 its author was a history don at Oxford. Since that time he has been honored by two constituencies with election to the House of Commons, and by a Conservative ministry with a knighthood. He has been closely in touch with the recent portion of his subject-matter. Yet the third edition of this book differs from the first only by the addition of an appendix containing the parliament act of 1911, and by an introductory chapter of thirty-five pages called "The Constitution in Transition" dealing with the years 1910-1924.

Naturally one expects to find the new chapter a well-balanced inter-

pretation. It is, however, ill-proportioned, and its Toryism is acute. About three pages are devoted to the "Constitutional Crisis of 1910-11"; the same amount of space is devoted to a eulogy of the crown, and to the "increasing importance of the crown as a 'golden link'"; and eight pages to the "Overseas Empire." The terms "Empire" and "Imperial Parliament" occur again and again, but "British Commonwealth of Nations" only when it is inevitable. A good deal of space is devoted to a critical account of recent, and perhaps passing, radical theories of government. Yet there is no recognition of the fact, probably of permanent importance, that there has been a Labor government; and there is no mention of the condition, apparently normal at present, of a House of Commons with three major parties instead of two.

In spite of the new chapter, this book still fulfils one of the author's original aims; it is still the best "introduction to the history of English Institutions." For Sir John Marriott's style is always remarkably clear and pleasant, and his usually copious information is arranged with a sense of neat proportion. But the book is rapidly ceasing to fulfil its second aim, to explain "the contemporary workings of the complicated constitutional machine." After all, of what value for this latter purpose is a volume in the index of which can be found "Laud" but not "League of Nations."

E. P. CHASE.

*Wesleyan University.*

*A History of the Tory Party, 1640-1714.* By KEITH FEILING. (New York: Oxford University Press. 1924. Pp. 525.)

Curiously enough the great Whig party has as yet found no worthy historian, and the Tories were little better served by scholars until the present century. Not until 1908 did Mr. Kent produce his stimulating, though incomplete, *Early History of the Tories*, while 1924 has brought forth two valuable works on the subject, of which the one under review is the more scholarly.

Mr. Feiling has produced an interesting history of the old Tory party, which was ruined by the Hanoverian succession. His account of the origins of the party prior to the Restoration is a notable contribution to party history. His description of the Tories during the closing years of the seventeenth century is also interesting and informing.

We vainly hoped that Mr. Feiling might shed new light on the *coup d'état* of 1714. Good as Mr. Feiling's book is, it would have been still better had he used the accounts of British politics found in the

dispatches of foreign representatives at the English Court. The author also fails to show the interplay of social and economic factors upon politics. Bolingbroke is dealt with too severely and Harley (Oxford) is praised too highly. An explanation of Harley's work as a financier and of the uprising of the middle class against Bolingbroke's commercial treaty with France would serve to correct the author's views of both statesmen.

WILLIAM THOMAS MORGAN.

*Indiana University.*

*A Defence of Liberty against Tyrants, a translation of the Vindiciae contra Tyrannos by Junius Brutus, with an historical introduction by HAROLD J. LASKI. (London: G. Bell & Sons, Ltd. 1924. Pp. 229.)*

There is probably no book of the sixteenth century on the theory of the state more powerful, more characteristic, more influential in its day, and hence more valuable to a modern student, than the *Vindiciae contra Tyrannos*. Hitherto it has been inaccessible to many, however, because neither the original text nor any English translation has been republished since the seventh century. Mr. Laski here reprints an anonymous English translation from the London edition of 1689, the last of several in the seventeenth century. In some ways it is to be regretted that he has chosen to do this instead of giving us a new and more accurate translation, as this one is far from satisfactory in many places; but this defect is probably counterbalanced by the obvious advantage of having a Stuart translation of so important a work in any form.

Mr. Laski's introduction of sixty pages furnishes a most satisfactory commentary on the book and an admirable account of its place in the history of political thought. From this it becomes clear that the title of *monarchomach*, fastened in 1600 by William Barclay upon the author of this book and upon others of the same school of political thought, and indiscriminately accepted since that time, is really a misnomer. To an enemy like Barclay, who distinguished less clearly than they between monarchy and tyranny, these men appeared to be antagonistic to monarchy. They themselves would have repudiated such a title of reproach. They considered themselves *tyrannomachi* but no *monarchomachi*. The sixteenth century was not a period of anti-monarchical thought.

C. H. McILWAIN.

*Harvard University.*

*Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries.* By B. H. PUTNAM. Oxford Studies in Social and Legal History, volume vii. (Oxford University Press. 1924. Pp. ix, 424.)

This is a notable volume in a notable series. The history of English law has suffered hitherto from a lack of knowledge of the beginnings of one of its most characteristic institutions, the Justices of the Peace. Our knowledge has extended little beyond the information given in the old treatises of Lambarde and Dalton. Miss Putnam has done a great service in giving us the first text of the important reading on the Justices by Thomas Marowe, written in the reign of Henry VII and used a century later by Lambarde but strangely neglected in later times, together with another anonymous manual, hitherto unprinted, of the early fifteenth century. These are edited with the most scrupulous care from a number of manuscripts, and prefaced by a book in which all the resources of exact scholarship are brought to bear upon the whole literature of the fifteenth and sixteenth centuries regarding the justices; with the result that some previous conclusions must be modified and the great importance of the justices of the peace at last better recognized by the historians of our law. Miss Putnam has rendered a service that is simply invaluable to all historians of England, whether legal, economic, social or constitutional:

C. H. McILWAIN.

*Harvard University.*

#### BRIEFER NOTICES

"Eternal vigilance is the price of liberty" said John Philpot Curran a century ago. Hard work and the old-fashioned virtues are the price of freedom according to President Coolidge in 1924. *The Price of Freedom* by Calvin Coolidge (Charles Scribner's Sons, pp. vi, 420) contains twenty-eight addresses delivered by Mr. Coolidge while Vice President, together with his college prize essay on the American Revolution, and his veto as governor of Massachusetts of a bill seeking to legalize the sale of beer and wine. The book makes no partisan political appeal. It contains no campaign arguments on present issues, except those which, like the protective tariff, have their roots deep in the past. Political issues come and go. Problems of government arise, are settled and are forgotten, but political principles endure. The publishers rightly claim that these addresses give the President's "conception of the basic principles of society and of the character



and significance of the American nation." President Coolidge, in his early public career as a legislator and executive officer of Massachusetts, formulated and announced his social and political philosophy. His public utterances and acts have been consistent with this philosophy.

"What are the sources then of that state of mind which supports civilization? There are but two sources, education and religion." "Any power which is not used for the general welfare will in the end destroy itself." "There are criticisms which are merited, and always have been and always will be; but the life of the nation is dependent not on criticism but on construction, not on tearing down but on building up, not on destroying but on preserving." "It is never the part of wisdom to minimize the power of evil, but it is far less the part of wisdom to forget the power of good." The performance of duty, the improvement of self, not for selfish reasons but as a duty to the community, are by this philosophy the essential test of free government, the support of civilization and the sole hope of progress and salvation. That is the price of freedom; freedom of country, of mind and of soul.

The *Memoirs of Li Hung Chang* by William Francis Mannix (Houghton Mifflin Company pp. lxxxii, 298) are now published, with an explanation of their real character written by Mr. Ralph D. Paine, a journalist and novelist, who knew Mr. Mannix intimately. Mr. Paine gives the life history of the journalistic "sport" who developed into a master of literary forgery, and who wrote in an Hawaiian prison this book of memoirs of Li Hung Chang, which had about it so great verisimilitude as to deceive not only British and American publishers but sinologists and "old China hands." Although suspicion was aroused by inaccuracies in the narrative within a few months of its first publication in America in 1913, and although in 1915 the surviving son of Li Hung Chang assured Dr. Tenney that his father had never kept a diary, the lack of any definitive statement and the ignorance of many students of China concerning the whole matter have maintained the *Memoirs* in a quasi-authoritative position. Mr. Paine's preface may not constitute proof positive that they are, in their entirety, a forgery, but it gives much evidence to put future readers on their guard. The reviewer is able to correct his statement that Joseph T. Mannix, whom the author of the *Memoirs* spoke of as his brother, was an invention. Joseph Mannix lived in Minneapolis for many years, where for a time he was a reporter and later was state printer. He is still living and when last heard from was in Africa.

Teachers of constitutional law will be glad to know that a new edition of Lawrence B. Evans' *Leading Cases on American Constitutional Law* (Callaghan & Co., pp. 1382) is now available for use. The earlier edition of this volume was widely recognized as the most serviceable compilation of its type, but the present revision marks a notable improvement. It has nearly tripled the size of the book, which now contains 215 cases. On the older topics more cases are given and, in addition, various new topics are introduced. For example, the new edition includes illustrative cases on the war powers of the national government and on the treaty-making power. The editor has also expanded his notes considerably and greatly increased their usefulness. Necessarily some of the cases have had to be abridged, but this has been very skilfully done. By way of compensation the editor has included the dissenting opinions in cases "where the court was closely divided and where the prevailing opinion has not commended itself unreservedly to the bar." All in all this new edition is well-proportioned, skilfully compiled, adequately annotated, a serviceable book from every point of view.

Two recent books on sociology are *The Scientific Study of Human Society* by Franklin H. Giddings (University of North Carolina Press, pp. vi, 247) and *Origins of Sociology* by Albion H. Small, (University of Chicago Press, pp. vii, 351). Professor Giddings makes a plea for a scientific study of human society, not for the purpose of "tinkering" with the existing order of things but to get at the facts and explain the methods which should be employed for this purpose. Professor Small's book is largely historical and attempts to show that there has been an evolution of the social sciences since 1800 and that sociology, one of the products of that evolution, is the first attempt to develop a social science upon the basis of the group conception as contrasted with the individualistic view of human life. Like Professor Giddings, the author argues for the need of scientific methods of studying the subject, in setting forth the conclusion that sociology is not "a concatenated scheme of opinions about things in general" but "like any other procedure which is entitled to the rank of science, is the application of a distinctive method to a designated type of problem." The University of Chicago Press has also published the *Proceedings of the National Conference of Social Work* (pp. vii, 652), in its fifty-first annual session at Toronto in July, 1924. Students of state and local government will find useful information in the papers and discussion devoted

to recent developments in the organization and operation of public welfare departments, the merit system in social work, the relation of a board of public welfare to the public and legislative oversight (pp. 539-572). Under the title *Law and Morals* (pp. 156), the University of North Carolina has published a series of lectures by Roscoe Pound, delivered at the University two years ago.

*Roads to Social Peace* (The University of South Carolina Press, pp. 133) contains the Weil Lectures on American Citizenship given by Professor E. A. Ross at the University of North Carolina in 1924. The five steps which Professor Ross regards as necessary to eliminate factions and a clash of interests in the United States are: (1) the avoidance of sectionalism; (2) the "quenching" of sectional strife; (3) the promotion of peace among nationalities; (4) the mitigation of class struggles; and (5) the allaying of the conflict between town and country. For the accomplishment of these various ends he sets up certain ideals for which we should aim. For example, he believes that sectionalism in the United States, both within the individual state and the nation as a whole, can be avoided by greater proportionality of representation in government, by proportional sharing in the burdens of government, by more careful consideration to the sectional bearing of legislation, and greater willingness on the part of the people of each section to listen to the qualified spokesmen for other sections.

*The 1925 Municipal Index* (pp. 521) issued by the American City Magazine is a reference work which contains a large amount of material useful to students and teachers of municipal government, civic organizations, and city officials. The volume is divided into sixteen sections dealing with such matters as administration, government, finance; city planning, housing, zoning, fire and police departments, parks, playgrounds, public health, public education, public utility ownership and regulation, street construction, traffic control, water supply, and national organizations serving municipalities. Each section includes a brief discussion of the subject-matter by some leading authority, a bibliography, and illustrated advertisements of the leading dealers in standard equipment, supplies and services. The introductory articles in each section have been prepared by various organizations, and technical experts. The book should be in every reference library.

*National Isolation an Illusion* (G. P. Putnam's Sons, pp. xii, 631), by Perry Belmont, covers somewhat more ground than the title indicates. In fact the book is largely a political history of the United States, supplemented by an account of recent events, and made more interesting by frequent references to the author's experiences in politics and public life. Of especial importance are Mr. Belmont's accounts of the electoral commission of 1877, the sessions of which he attended as secretary to Senator Bayard, and the material in the appendix dealing with the author's fight for the publicity of campaign funds and his arguments in favor of giving members of the cabinet seats in Congress. The central theme is an attempt to prove that from the very beginning the interests of the United States have been closely bound up with those of Europe, and that the policy of the Democratic party from the time of Jefferson has been interdependence and not isolation. The usefulness of the book is somewhat reduced by the lack of systematic arrangement and the sudden transitions from one topic to another.

Students of international relations will be interested in *The Rockefeller Foundation Annual Report, 1923* (pp. 365), a valuable summary of the international health activities of the Rockefeller Foundation. During 1923 the International Health Board, the China Medical Board and the Division of Medical Education supplied fellowship funds for 636 individuals in 29 different countries; supported the interchanges, arranged by the League of Nations, for 54 health officers from 27 nations; arranged international visits of one commission and 24 visiting professors; furnished emergency relief to institutions in 15 European countries; accepted an invitation from Brazil to participate in an attack upon yellow fever; shared in demonstrations of malaria control in 12 American states, and conducted malaria surveys in 8 different countries; as well as carrying on many other important activities.

With the growing economic interdependence of the world, the condition of labor in one country affects it in another. When one government establishes high standards of labor protection, it is apt to be subject to unfair competition from a country with low standards. Consequently, the movement for labor legislation in its international aspects has been prompted as much by economic interest as by humanitarianism, as Mr. G. A. Johnston tries to show in *International Social Progress, The Work of the International Labour Organisation of the League of Nations* (Macmillan, pp. 263). While the author traces the history

of this movement before the war, he spends most of his time on the existing labor organization, established by the Treaty of Versailles. Perhaps the most significant feature of this organization is the manner in which it has improved labor conditions in such eastern, and industrially backward countries, as Japan, India, Persia and Siam.

*Races, Nations and Classes* by Herbert A. Miller (Lippincott, pp. 196) is a study in what the author calls "the psychology of domination and freedom." The book deals with many interesting themes but the historical generalizations are sometimes faulty. To say that Ontario was "originally French" but now contains "a majority of English" (p. 114) is to display a rather slim knowledge of what has transpired during the past two centuries along the northern border. And it is equally strange to read of the "Arcadians" (*sic*) whose exile has been made classic in Longfellow's *Evangeline*.

Nesta H. Webster in *Secret Societies and Subversive Movements* (E. P. Dutton and Company, pp. xiii, 419) attempts to prove that revolt against the established order both in the present and past has been fostered by secret societies such as Freemasonry and by such movements as theosophy, nationalism of an aggressive kind, now represented by Pan-Germanism, international finance and socialism. Back of all these societies and movements, in the opinion of Miss Webster, will be found the influence and the financial aid of the Semitic race. The book, however, is far from convincing, in spite of the diligence and energy which the author displays in presenting innumerable references to out-of-the-way sources of information.

Three recent books on the land of the Muscovites are Magdeleine Marx's *Romance of New Russia* (Seltzer, pp. 226) E. W. Hullinger's *Reforging of Russia* (Dutton, pp. 402), and *Recollections of Imperial Russia*, by Meriel Buchanan (Doran, pp. 277). The first is the work of an emotionalist who, as she says, "discards the facts and figures" so that she may "truly reveal the heart, the soul of the country." The dust-cover advertisement declares that the book reads "like a work of fiction"—and it does. Mr. Hullinger was the United Press representative in Russia for a time. He was deported for telling too much. Now he tells the whole story without let or hindrance, and he does it in a most convincing way. Miss Buchanan, the daughter of the last British ambassador to the court of the Romanovs, describes

graphically the social life of Petrograd during the outgoing days of the old régime.

*Twelve Years at the German Court* by Count Robert Zedlitz-Trutsehler (Doran, pp. 306) contains an intimate picture of life in Berlin and Potsdam during the years before the war.

*Preliminary History of the Armistice* (pp. xii, 163) is a compilation of official documents, published by the German government in 1919 in an effort to prove that Germany agreed to the armistice, subject to the stipulation that the definitive terms of peace should be based on the Fourteen Points and the other peace proposals of President Wilson,—translated into English for the Carnegie Endowment for International Peace.

Count Harry Kessler in his Institute of Politics lectures, *Germany and Europe* (The Yale University Press, pp. vii, 150) has interpreted the thought of post-war liberal Germany. The most interesting chapter from the political standpoint—the book is essentially historical—is the last in which he traces the growth of the new German constitution, the significance of the Economic Councils, party alignment in the Reichstag, the influence of “big business,” and the future of Germany’s foreign policy.

Two recent publications by Macmillan are: *The Continent of Europe* by Lionel W. Lyde (pp. 456), a treatise on economic geography, but with much emphasis upon the character and resources of European political entities; and *Czecho-Slovakia*, by Dr. Josef Gruber (pp. 256), which discusses the economic resources, industries, finances and social problems of that country, each chapter by a specialist.

*The Reformation in Poland: Some Social and Economic Aspects*, by Paul Fox (Johns Hopkins Press, pp. 153) traces, with the aid of Polish sources, a very interesting chapter in the history of Protestantism which is all too little known to most Western scholars.

Mr. Roland R. Foulke of the Philadelphia bar has written a small book on *The Philosophy of Law* (John C. Winston Company, pp. 102) in which the essential nature of law is explained in simple terms. Defining the philosophy of law as a special branch of philosophy having

to do with the conduct of man in a community, the author proceeds to discuss human conduct and the internal and external factors determining conduct, such as the forces of nature, custom, public opinion and political power; the meaning of law, its sources and end; and jurisprudence. The exposition centers around the assumption "that law, whatever it is, has something to do with human conduct, whatever other objects it may have to do with also." For this reason the chief emphasis is given to an explanation of the operation of the external factors of political power and public opinion, as they determine human conduct.

*The Drama of the Law* by Edward A. Parry (Scribner's, pp. 320) recounts the story of many famous criminal trials. The author believes that all these contestations can be classed as tragedies, melodramas, farces, and so on. It is from this point of view that he describes them.

Among the volumes which have already appeared in the new series of introductory texts, entitled *The World's Manuals*, published by the Oxford University Press, is an *Introduction to Modern Political Theory*, by C. E. M. Joad (pp. 127). The greater part of this little volume is devoted to aspects and problems of socialist political theory, and the text is embellished with portraits of Marx, J. S. Mill, Kropotkin, and Lenin.

President Arthur Twining Hadley, in *The Conflict Between Liberty and Equality* (Houghton Mifflin Company, pp. vi, 135), makes a plea for liberty which he defines as "the power to use intelligence as a determining factor in our conduct." Delivered as the West Memorial Lectures at Stanford University, it is another contribution to the literature of pessimism in regard to the present state of the body politic, especially on its economic side. In *The Faith of a Liberal* (Scribners', pp. 309) President Nicholas Murray Butler presents, from various points of view, the principles of liberalism as applied to current political and social problems.

John Locke's *Treatises of Civil Government* has been reprinted in Everyman's Library (Dutton, pp. 242) with an introduction by W. S. Carpenter.

Longmans, Green and Company have published the first of a three-volume series on *Tudor Economic Documents* (pp. xiii, 383) illustrating the economic and social history of Tudor England. The initial volume is edited by R. H. Tawney and Eileen Power and covers the agriculture and industry of the period. Students of local government will find considerable useful material in Section II on Towns and Guilds, in which appear reprints of numerous interesting documents such as the municipal regulation of hours and wages by the Common Council of London, 1538; the act to remedy the decay of corporate towns, 1554; and an order of the Privy Council directed to the Lord Mayor of London in 1590 to check the growth of the city because it "hath been over largelie increased to the decay of other townes, burroughes and villages within the Realme," and "also the infeccion of the plague."

*Industrial Society in England towards the End of the Eighteenth Century* by Witt Bowden (Macmillan, pp. 343) presents a broad survey of the early industrial revolution. Emphasis is laid on the origins of our various modern industrial groups, disclosing a connection between the friendly societies of this era and the nineteenth century trade unions. There are some interesting explorations into the nature of Pitt's Irish policy, and the author challenges the doctrine that the *laissez-faire* and free trade movement began with Adam Smith and the physiocrats. The factories began it, he contends.

Philip Anthony Brown, a young and brilliant graduate of New College, Oxford, who was killed in battle during 1915, left a manuscript which has recently been edited by friends under the title of *The French Revolution in English History* (E. P. Dutton and Company, pp. xiv, 232). Professor Gilbert Murray has written a short introduction. With a style that is fresh and readable the author traces the effect of the French Revolution on English thought, politics and literature, illustrating his points by frequent reference to the lives and work of many individuals including workingmen, poets and politicians.

A translation of the first volume of Élie Halévy's *Histoire du Peuple Anglais* has been published by Messrs. Harcourt, Brace & Company, (pp. 576). The original has been most highly commended by English scholars for its enormous erudition and strict impartiality.



Pen portraits of various literary and political figures, including Stanley Baldwin, Lord Curzon, Bonar Law and H. G. Wells are included in *A Gallery* by Philip Guedalla (Putnam's, pp. 249), a writer whose ability to delineate human traits in a brilliant way is well known to students of contemporary biography. As a curtain-raiser the volume contains a few landscape sketches—of Fez, Biarritz, and Mandalay. A volume of somewhat analogous character is Sisley Huddleston's *Those Europeans* (Putnam's, pp. 297). It deals, for the most part, with continental statesmen of today, including Masaryk, Caillaux, Millerand, and Mussolini.

By the provisions of Lord Morley's will he is to have no formal biography, hence John H. Morgan gives his *Viscount Morley* (Houghton Mifflin Company, pp. 215) the subtitle of "an appreciation and some reminiscences." The book portrays a versatile man and does it in attractive style.

In the second volume of *These United States* (Boni and Liveright, pp. 438) edited by Ernest Gruening, some twenty-six native sons and daughters set forth their ideas as to the distinguishing characteristics, peculiarities and accomplishments of their respective states. Although written in a somewhat light vein these sketches present a keen analysis of the social, political, and economic life of the various commonwealths. Brief word-pictures are given of present and past political leaders and considerable attention is paid to important party contests. The book is interesting from cover to cover and the reader leaves it with the impression that after all state lines do mean something and that our Union is one of forty-eight states, as well as a few great rival sections.

*Government of the United States*, by Everett Kimball (Ginn, pp. 785) is substantially a condensation of the author's two earlier volumes in the same field. The first half of the present volume maintains the excellent standard set in his earlier volume on the Federal government. In the latter half, only 20 pages are given to the legislature, out of 210 pages on state constitutions and government, and only 28 pages to counties, townships and villages, and 134 pages to cities. In discussing the executive branch of state government, the legal position of the governor is clearly set out, but there is little suggestion of the political and administrative development in that office within recent years. Throughout the latter half of the book, the reader is constantly made

aware of the geographical locality in which the book had its origin. Nevertheless, the volume presents a helpful analysis of American government and one of the best presentations of the national government that has yet appeared.

Milton Conover's *Working Manual of Original Sources in American Government* (Johns Hopkins Press, pp. 135) is a very useful supplement to collegiate text-books. It provides a long series of problems with bibliographical aids—fifty assignments in all, each for a different student.

*The Citadel of Freedom*, by Randolph Leigh (Putnam's, pp. 234) is "a study of the constitution and its builders, and of the movement to destroy it." The story is told in "seven dynamic personalities" from Washington to Lincoln. *Common Sense of the Constitution* (Allyn and Bacon, pp. 145), by A. T. Southworth, is a serviceable little manual for school use.

Frederic L. Paxson's *History of the American Frontier* (Houghton Mifflin Company, pp. 298) is a synthesis of the various studies which have been made in this field during the past twenty-five years. It is the first complete history of the frontier which, as Professor Paxson avers, "is the most American thing in all America." The book is well proportioned and skilfully written. *Recent American History*, by L. B. Shippee (Macmillan, pp. 554), deals with the period since 1865. It lays emphasis on industrial and economic development, but does not neglect political phases, and describes America's participation in the war. W. H. Cavanaugh's *Colonial Expansion* (Badger, pp. 263) deals only with the Pilgrim settlement and its history.

Archer B. Hulbert's *United States History* (Doubleday, Page, pp. 656) is intended as a text-book for the third and fourth year of a high school. Special features are the use of the topical method and the emphasis placed on the last fifty years. A novel departure is the inclusion of a "Who's Who" in American history, covering about thirty pages.

A handsome *Life and Times of Our After-War President*, by Joe Mitchell Chapple (Chapple Publishing Company, pp. 386) contains a warm and extended eulogy of President Harding.

Waldo R. Browne's *Altgeld of Illinois* (Huebsch, pp. 342) is a valuable contribution to the literature of Middle Western politics a generation ago, of more than local interest. There is an interesting chapter on the "inner history" of the railroad strike of 1894 and the Altgeld-Cleveland controversy.

The World Book Company has brought out a revised edition of David P. Barrows' *History of the Philippines* (pp. 406). The new edition brings the story down to date and includes an additional chapter on the issue of Filipino independence. *The United States and the Philippines*, by D. R. Williams (Doubleday, Page & Company, pp. 355) is primarily a survey of political and economic problems since 1898. There is a longer discussion of the independence issue.

*The Ethics of Opium* (Century Co., pp. 204) by Ellen N. LaMotte, the well-known antagonist of the drug evil, analyzes the documents of the colonial governments of the Far East to show that the use of opium has, in many places, been actually increasing instead of decreasing in accordance with the purpose of the opium convention of 1912. She believes that if the powers had the "will" to suppress the evil, the existing convention would be workable.

The Oxford Press has recently published a monograph on *Anglo-Portuguese Negotiations relating to Bombay, 1660-1677* by Shafaat Ahmad Khan.

A volume on *Spiritual and Political Revolutions in Islam*, by Felix Valyi (Kegan Paul, Trench, Trubner & Company, pp. 236) deals with recent events in Turkey, in Egypt, and in Asia Minor.

A new edition of Charles J. Bullock's *Selected Readings in Public Finance* has been issued by Messrs. Ginn & Company (pp. 982). This new edition, besides a revision of the earlier materials, contains a supplementary chapter dealing with the newer forms of federal taxation. *The Economics of Taxation*, by H. G. Brown (Holt, pp. 344), is a study of the principles underlying taxation and the incidence of taxation. Eugenio Rignano's monograph on *The Social Significance of the Inheritance Tax* has been translated by W. J. Schultz (Knopf, pp. 128).

The National Industrial Conference Board has added to its studies on taxation a volume on *The Tax Problem in West Virginia* (pp. 234), and a brief general survey of *Tax Burdens and Public Expenditures*, the latter carrying previous studies down through the year 1923.

In *Making the Tariff*, by Thomas W. Page (McGraw-Hill Book Company, pp. 281) there is a full discussion of the methods whereby the schedules are prepared and revised, including a good chapter on "Tariff-Making by Executive Order."

The Harvard University Press has brought out a *History of the United States Post Office to the Year 1829* by Wesley E. Rich (pp. 190). The author began a comprehensive study of the subject before the war, but interrupted his work to enter the army and died before the war came to an end.

Following several special studies of scientific research agencies in California and Illinois, the National Research Council has published *An Evaluation of the System of Central Financial Control of Research in State Governments*, by Leonard D. White (pp. 134). This discusses central state control in Illinois, Ohio, Wisconsin and Massachusetts, and the central control of research in the University of Chicago.

The Republican county committee of New York has established a political research bureau, which has published a report on *The Voting Machine* (pp. 80), by David Zukerman, and also pamphlets on proposed amendments to the state constitution to authorize additional debt.

A text-book on *The Principles of Corporation Law*, by W. W. Cook (pp. 815), has been published by the University of Michigan. This undertakes to present the general principles of the subject, with a few applications and references to more elaborate works and court decisions. The chapters on taxation and public service corporations will be of most interest to students of political science.

The Russell Sage Foundation, which published a few years ago a digest of *American Marriage Laws*, (pp. 132), has recently issued two new studies in this field: *Medical Certification for Marriage*, by

Fred S. Hall (pp. 92), and *Child Marriages*, by Mary E. Richmond and Fred S. Hall (pp. 159). •

*Principles of a Note-System for Historical Studies*, by Professor Earle W. Dow (Century Company, pp. 124) contains a discussion of various matters which will interest the student. It deals with the methods of note-taking, the compilation of bibliographies, classification and filing, and kindred topics.

Among other recent publications on economic and social problems may be noted: *Population and the Social Problem*, by J. Swinburne (pp. 380), and *Elements of Land Economics*, by R. J. Ely and E. W. Morehouse (pp. 363), published by Macmillan; *British Labour Speaks* (Boni and Liveright, pp. 282), *Unemployment Relief in Great Britain* (Houghton Mifflin, pp. 203); *Politics and Welfare* (Brentano, pp. 299); *Family Welfare Work in a Metropolitan Community*, by Sophonisba P. Breckenridge (University of Chicago Press, pp. 958); *Society and its Surplus*, by N. Le R. Sims (Appleton, pp. 581); *Social Organization*, by W. H. R. Rivers (Knopf, pp. 226); *The Women's Garment Workers*, by Louis Levine (Huebsch, pp. 608); *Labor Movement in the Shoe Industry*, by A. E. Gelster (Ronald Press, pp. 237); *A Short History of the American Labor Movement*, by Mary Beard (Doran, pp. 206); and *German Trade Associations*, by A. H. Stockder (Holt, pp. 254).

## RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

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### AMERICAN GOVERNMENT AND PUBLIC LAW

#### *Books*

*Altfield, Emanuel Milton.* The Jew's struggle for religious and civil liberty in Maryland. Pp. 219. Baltimore: M. Curlander.

*Atkins, W. E., and Lasswell, H. D.* Labor attitudes and problems. Pp. 520. N. Y.: Prentice Hall.

*Barton, Walter E., and Browning, Carroll W.* Federal income and estate tax laws. (New ed.) Washington: John Byrne & Co.

*Barton, William E.* The life of Abraham Lincoln. 2 vols. Pp. 1,032. Indianapolis: Bobbs-Merrill.

*Bigelow, John, ed.* The life of Benjamin Franklin. Pp. 308. Oxford Univ. Press.

*Blanning, Wendell Y.* Regulation of public utilities by the public service commission of Pennsylvania. Pp. 393. Newark (N. J.): Soney & Sage Co.

*Bradshaw, Cathrine A.* Americanization questionnaire. Pp. 155. N. Y.: Noble & Noble.

*Britton, Wiley.* The aftermath of the civil war: based on investigation of war claims. Kansas City (Mo.): Smith-Grievess Co.

*Channing, Edward.* A history of the United States. Vol. VI. The war for southern independence. Macmillan.

*Clark, Charles C. P.* The machine abolished. Pp. 196. Putnams.

*Clark, David W.* Child labor and the social conscience. Pp. 124. N. Y.: Abingdon Press.

*Clarke, Ida Clyde.* Uncle Sam needs a wife. Pp. 280. Philadelphia: John O. Winston Co.

*Cooke, Morris Llewellyn, ed.* Public utility regulation. Pp. ix + 310. N. Y.: Ronald Press.

*Crocker, Uriah Haskell, and Crocker, George G.* Notes on the general laws of Massachusetts. (Rev. and ed. by Raymond C. Baldes.) Pp. 1000. Boston: Little, Brown.

*Dulaney, Benjamin Lewis.* Caesar's tax; how the spirit of imperious Caesar lives and vaunts itself in our invisible government. Pp. 199. Washington: W. S. Roberts Co.

*Evans, Lawrence B.* Leading cases on American constitutional law. (Second ed.) Pp. xliii + 1382. Chicago: Callaghan.

*Harmon, R. V., and others.* American citizenship practice. Pp. 593. Lincoln (Neb.): Univ. Pub. Co.

*Harrison, Shelby, and others.* Public employment offices. Pp. 685. N. Y.: Russell Sage Foundation.

*Haworth, Paul Leland.* George Washington, country gentleman. Indianapolis: Bobbs-Merrill.

*King, Clyde L., ed.* The agricultural situation in the United States. Pp. 292. *Annals Am. Acad.* Jan., 1925.

*Lauback, Frank Charles.* The people of the Philippines. Doran.

*Lay, Tracy.* The foreign service of the United States. Pp. 438. Prentice, Hall.

*McDougall, William.* The indestructible union. Little, Brown & Co.

*Mayo, Katherine.* The isles of fear: the truth about the Philippines. Harcourt, Brace.

*Munro, William Bennett.* The government of the United States; national, state and local. (rev. ed.) Pp. 697. Macmillan.

*Safford, Victor.* Immigration problems. Dodd, Mead.

*Scott, Harvey W.* History of the Oregon country. (Compiled by Leslie M. Scott.) 6 vols. Cambridge: Riverside Press.

Selections from the correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918. 2 vols. Scribner's.

*Sheldon, Addison E.* Nebraska civil government. Pp. 365. Lincoln (Neb.): Univ. Pub. Co.

*Wallace, Henry C.* Our debt and duty to the farmer. Century Co.

*White, Howard.* Executive influence in determining military policy in the U. S. (Univ. of Ill. Studies in the Social Sciences, vol. 12. Nos. 1-2). Pp. 292.

*Zukerman, David.* The voting machine. Pp. 80. Pol. Res. Bur. N. Y. Rep. Co. Com.

### Articles

**Accounting Office.** The accounting officers of the United States and judicial precedents. *O. R. McGuire.* Ill. Law Rev. Mar., 1925.

**Administration.** Administrative finality. *Samuel C. Wiel.* Harvard Law Rev. Feb., 1925.

**Agricultural Policy.** The problem of enacting agricultural legislation. *O. B. Burnett.* Quar. Jour. Univ. of N. D. Nov., 1924.

———. Agricultural prices. *William L. Ransom and others.* Proc. Acad. Pol. Sci. Jan., 1925.

———. Stabilizing agricultural prices. *J. A. Estey.* Farm depression and credit, 1920-21. I. *Claude L. Benner.* Jour. Pol. Econ. Feb., 1925.

**Alaska.** The value of Alaska. *Alfred H. Brooks.* Geog. Rev. Jan., 1925.

**Amendment.** Repudiation of the republic. *Frank Ezline.* Const. Rev. Jan., 1925.

———. Finality of state's ratification of a constitutional amendment. *F. W. Grinnell.* Am. Bar Assoc. Jour. Mar., 1925.

**Appropriations.** The appropriation power: constitutionality of indefinite appropriations. *Note Editor.* Harvard Law Rev. Dec., 1924.

**Bank Guaranty.** Guaranteed deposits under depositors' guaranty fund. *Walace Hawkins*. *Tex. Law Rev.* Feb., 1925.

**Borah.** Borah the individual. *William Hard*. *Rev. of Revs.* Feb., 1925.

**Borrowing.** A defense of public borrowing. *Charles K. Sumner*. *Nat. Mun. Rev.* Jan., 1925.

**Budget.** The budgetary treatment of the indebtedness of France to the United States. *Arthur Richmond Marsh*. The finances and budget estimates of the national government. *Jos. S. McCoy*. *Econ. World*. Jan. 3, 10, 1925.

———. Burrowing in the budget. I. II. III. IV. V. *William Hard*. *Nation*. Jan. 28, Feb. 4, 11, 18, 25, 1925.

———. The state's (California) budget. *William P. Hubbard* and others. *Transactions, Commonwealth Club of Calif.* Mar., 1925.

**Cabinet.** The next step in Washington. II. Party responsibility and personal leadership. III. Presidential leadership and the cabinet. IV. Cabinet members in congress. *Chester H. Rowell*. The cabinet before congress. *Andrew J. Montague*. *World's Work*. Jan., Feb., Mar., 1925.

**Centralized Purchasing.** Centralized purchasing agencies in state and local government. *Milton Conover*. *Am. Pol. Sci. Rev.* Feb., 1925.

**Child Labor.** The proposed child labor amendment. *John A. Ryan*. *Catholic World*. Nov., 1924.

———. Child labor: problem in American government. *Raymond G. Fuller*. *Rev. of Revs.* Jan., 1925.

———. The child labor amendment. *Editor*. *Const. Rev.* Jan., 1925.

———. The child labor amendment. *Edward F. Waite*. *Minn. Law Rev.* Feb., 1925.

———. Child labor amendment in Massachusetts. *W. A. Robinson*. *Am. Pol. Sci. Rev.* Feb., 1925.

———. American children in bondage. *Benjamin P. Chass*. *Current Hist.* Mar., 1925.

———. Children in politics. *William L. Chenery*. *Century*. Mar., 1925.

———. The child and the law. *Agnes Repplier*. *Yale Rev.* Apr., 1925.

**Church and State.** Religious freedom under our constitutions. *William Bruce Hoff*. *W. Va. Law Quar.* Dec., 1924.

———. Martin H. Glynn, first catholic governor of New York. *James J. Walsh*. *Americanism and catholicism*. *Bertrand L. Conway*. *Catholic World*. Feb., Mar., 1925.

———. America and Roman catholicism. I. The church American not alien. *Michael Williams*. *Forum*. Mar., 1925.

**Citizenship.** When is a citizen not a citizen? *Imogen B. Oakley*. *Atlan. M.* Jan., 1925.

———. The ineligible to citizenship provisions of the immigration act of 1924. *A. Warner Parker*. *Am. Jour. Int. Law*. Jan., 1925.

**Civil War.** Calling the secession convention in Arkansas. *David Y. Thomas*. *Southwestern Pol. and Soc. Sci. Quar.* Dec., 1924.

———. An interpretation of civil war finance. *James L. Sellers*. From the autobiography of Herschel V. Johnson, 1856-1867. *Am. Hist. Rev.* Jan., 1925.

———. The election of 1864 in western Pennsylvania. *Norman C. Brillhart*. *West. Pa. Hist. Mag.* Jan., 1925.



**Civil War.** Local defense and the overthrow of the confederacy. *Frank L. Owsley*. *Miss. Valley Hist. Rev.* Mar., 1925.

**Coal Regulation.** A proposal for regulation of the coal industry. *John E. Orchard*. *Quar. Jour. Econ.* Feb., 1925.

**Constitutional Law.** Constitutional law in 1923-1924. *Robert E. Cushman*. *Am. Pol. Sci. Rev.* Feb., 1925.

**Constitutional Principles.** Les fondateurs des États-Unis. Les précurseurs: Samuel Adams et Benjamin Franklin. *Nicholas Murray Butler*. *Rev. Sci. Pol.* Oct.-Dec., 1924.

———. The origin of the American system of government. *Richard S. Harvey*. *Georgetown Law Jour.* Nov., 1924.

———. The federal constitution and first ten amendments: Virginia documents. *W. B. Swaney*. *Va. Law Rev.* Jan., 1925.

———. Comment les États-Unis ont édifié leur puissance. *Nicholas Murray Butler*. *Rev. de Paris*. Jan. 15, 1925.

**Contempt of Court.** Power of congress to grant jury trial in criminal contempt proceedings. *Robert E. Pollan*. *Cornell Law Quar.* Feb., 1925.

———. Power of congress to require jury trial in certain cases of criminal contempt. *James Parker Hall*. *Ill. Law Rev.* Feb., 1925.

———. Jury trial for contempt—constitutionality of Clayton act. *C. N. T. Mich. Law Rev.* Mar., 1925.

**Coolidge.** A third term for Coolidge? *Mark Sullivan*. *World's Work*. Mar., 1925.

———. American liberalism in President Coolidge's inaugural address. *Arthur Richmond Marsh*. *Econ. World*. Mar. 7, 1925.

**Delegation of Power.** Delegation of power to legislate. *Cornelius W. Wick-ersham*. *Va. Law Rev.* Jan., 1925.

———. Delegation of legislative power. *Columbia Law Rev.* Mar., 1925.

**Departmental Practice.** Departmental practice—powers of attorney. *Henry C. Clark*. *Central Law Jour.* Mar. 20, 1925.

**Federal Power Act.** The federal power act. *John Franklin Shields*. *Pa. Law Rev.* Jan., 1925.

**Federal Relations.** Federalism as a method. *George Soule*. *New Repub.* Feb. 11, 1925.

**Federal Trade Commission.** A decade of the federal trade commission. III. IV. V. *Felix H. Levy*. *Va. Law Rev.* Jan., Feb., Mar., 1925.

———. Conclusiveness of the federal trade commission's findings as to facts. *Gregory Hankin*. *Mich. Law Rev.* Jan., 1925.

**Government Immunity.** The king can do no wrong. *Herbert Barry*. *Va. Law Rev.* Mar., 1925.

**Greenback Movement.** Ohio and the greenback movement. *Reginald C. McGrane*. *Miss. Valley Hist. Rev.* Mar., 1925.

**Immigration.** The unarmed invasion. *Stuart H. Perry*. *Atlan. M.* Jan.

———. Brains and the immigrant. *Melville J. Herskovits*. *Nation*. Feb. 11, 1925.

**Indian Policy.** The federal Indian policy in Texas, 1845-1860. *Lena Clara Koch*. *Southwestern Hist. Quar.* Jan., 1925.

**Initiative and Referendum.** The initiative and referendum in Missouri. *N. D. Houghton*. *Mo. Hist. Rev.* Jan., 1925.

———. Scope of initiative as compared to power of legislature. *G. G. O.* *Calif. Law Rev.* Jan., 1925.

———. Improving the petition. *Ben A. Arneson*. *Nat. Mun. Rev.* Mar.

———. New laws voted on Nov. 4, 1924. *William A. Robinson*. *Current Hist.* Mar., 1925.

**Injunction.** Injunctions to restrain criminal acts. *M. S.* *Pa. Law Rev.* Jan., 1925.

———. Expansion of criminal equity by injunction. *Henry W. Ballantine*. *Central Law Jour.* Jan. 5, 1925.

———. Are all permanent injunctions temporary? *C. E. E.* *Mich. Law Rev.* Feb., 1925.

**Insurance.** Compulsory compensation insurance. *Robert S. Marx*. Administrative control of insurance policy forms. *Edwin W. Patterson*. *Columbia Law Rev.* Feb., Mar., 1925.

**Internal Improvements.** The Mississippi valley and the constitution, 1815-29. *Curtis Nettels*. *Miss. Valley Hist. Rev.* Dec., 1924.

**Iowa.** The Iowa code of 1924. *O. K. Patton*. *Ia. Law Bull.* Nov., 1924.

———. The code of 1924. *Jacob A. Swisher*. The legislation of the extra session of the fortieth general assembly of Iowa. *Jacob Van Ek*. *Ia. Jour. Hist. and Pol.* Jan., 1925.

**Judicial Review.** Judicial abdication. *Connor Hall*. *W. Va. Law Quar.* Dec., 1924.

———. Judicial review of legislation in the United States and the doctrines of vested rights and of implied limitations on legislatures. *Charles Grove Haines*. Some pros and cons of judicial review of legislation. *Homer Hendricks*. *Texas Law Rev.* Dec., 1924; Feb., 1925.

———. The assault on the constitution and the courts. *David Jayne Hill*. *Const. Rev.* Jan., 1925.

———. The supreme court under fire. *Louis M. Jiggitts*. *Law Quar. Rev.* Jan., 1925.

**Judiciary.** Federal criminal laws and the state courts. *Charles Warren*. *Harvard Law Rev.* Mar., 1925.

———. Political questions. *Melville Fuller Weston*. *Harvard Law Rev.* Jan., 1925.

———. The new appellate jurisdiction in federal courts. *Charles W. Bunn*. *Minn. Law Rev.* Mar., 1925.

———. Are dissenting opinions worth while? *Walter Stager*. *Ill. Law Rev.* Mar., 1925.

**Jury System.** The nineteenth amendment: effect on jury duty. *E. E. R.* *Calif. Law Rev.* Jan., 1925.

———. Jury triers. *R. Justin Miller*. *Minn. Law Rev.* Mar., 1925.

**Kentucky.** The sources, progress, and printed evidences of the written law in Kentucky. *Lyman Chalkley*. *Ky. Law Jour.* Jan., 1925.

**Ku Klux Klan.** The ku klux klan interpreted. *Frank Bohn*. *Am. Jour. Sociol.* Jan., 1925.

Labor. The new labor laws—legislation of 1924. *Am. Labor Legis. Rev.* Dec., 1924.

———. The passing of the I. W. W. *James Oneal*. *Current Hist.* Jan.

———. The annual convention of the American federation of labor. *E. Guy Talbott*. The passing of Samuel Gompers. *John R. Commons*. *Current Hist.* Jan., Feb., 1925.

———. What manner of man was Gompers? *Benjamin Stolberg*. *Atlan. M.* Mar., 1925.

———. The passing of Gompers and the future of labor. *John Spargo*. *N. Am. Rev.* Mar., 1925.

Legislation. The value of legislative history of federal statutes. *Clarence A. Miller*. *Pa. Law Rev.* Jan., 1925.

———. The overproduction of laws. *E. V. Wilcox*. *Harv. Grad. Mag.* Mar., 1925.

Legislative Investigation. The power of congress to subpoena witnesses for non-judicial investigations. *Note Editor*. *Harvard Law Rev.* Dec., 1924.

———. Legislative power to compel testimonial disclosure. *John H. Wigmore*. *Ill. Law Rev.* Feb., 1925.

Lincoln. Face to face with Lincoln. Edited by *William O. Stoddard, Jr.* *Atlan. M.* Mar., 1925.

Lobby. The American woman and representative government. *George Madden Martin*. *Atlan. M.* Mar., 1925.

Mandamus. Mandamus and disbursing officers of the United States. *O. R. McGuire*. *Am. Law Rev.* Jan.-Feb., 1925.

Negro Problem. The negro farmer in the South. *W. S. Scarborough*. *Current Hist.* Jan., 1925.

———. Negro race-movements in America. *A. M. Chirgwin*. *Contemp. Rev.* Feb., 1925.

Panama Canal. Der Panama-Kanal. *Konrad v. Hippel*. *Preuss. Jahrbücher*. Aug., 1924.

Philippines. L'indipendenza dell Filippine e gli Stati Uniti. *Guiseppe Colangeti*. *Politica*. Nov.-Dec., 1924.

———. America and the Philippines. Round Table. Dec., 1924.

———. Filipino leaders' split on independence issue. *Norbert Lyons*. *Current Hist.* Mar., 1925.

Police Power. Protecting the public: encroachment of social legislation on private rights. *Dwight G. McCarty*. *Am. Bar Assoc. Jour.* Jan., Feb., 1925.

———. Some limitations on the police power of municipalities imposed by the federal constitution. *Charles Fairman*. *Ill. Law Rev.* Feb., 1925.

———. Sterilization of defectives. *Aubrey E. Strobe*. *Va. Law Rev.* Feb., 1925.

Politics. Third parties. *C. O. Johnson*. *Quar. Jour. Univ. of N. D.* Nov., 1924.

———. A conservative victory in the United States. Round Table. Dec., 1924.

———. Anti-slavery tendencies of the democratic party in the northwest, 1848-50. *William O. Lynch*. *Miss. Valley Hist. Rev.* Dec., 1924.

———. The meaning of the election. *Nathaniel Peffer*. *Century*. Jan.

Politics. The republican victory—what shall we do with it? *William E. Borah*. Scribner's. Jan., 1925.

———. Looking back on LaFollette. *Mark Sullivan*. World's Work. Jan., 1925.

———. Why a third party? Progressivism and the democrats. *Editor*. New Repub. Jan. 7, 14, 1925.

———. The master minds. *Frank R. Kent*. The damn fool democrats. *Arthur Krock*. Am. Mercury. Jan., Mar., 1925.

———. The two political parties: the restoration of the republican party. *C. Reinold Noyes*. The restoration of the democratic party. *Allen Sinclair Will*. N. Am. Rev. Mar., 1925.

———. Birds of a feather. *Walter Lippmann*. Harper's. Mar., 1925.

———. The American political revolution of 1924. *Hugh L. Keenleyside*. Current Hist. Mar., 1925.

Populism. The background of populism in Kansas. *Raymond C. Miller*. Miss. Valley Hist. Rev. Mar., 1925.

Porto Rico. American rule in Porto Rico, 1899-1924. *Antonio R. Barcelo*. Current Hist. Jan., 1925.

President. La désignation des candidats à la présidence aux États-Unis. *Clarence A. Berdahl*. Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1924.

———. "President of the United States for a single day." *George H. Haynes*. Am. Hist. Rev. Jan., 1925.

———. A boy in the white house. III. *Jesse R. Grant*. Harper's. Mar.

Primary. Constitutional validity of statute barring negroes from primary elections. *M. M. B.* Mich. Law Rev. Jan., 1925.

———. Nomination of presidential electors: statutes: power of courts to supply legislative omissions. *G. G. O.* Calif. Law Rev. Jan., 1925.

Proclamations. Recent precedents in presidential proclamations. *Elbridge Colby*. Georgetown Law Jour. Nov., 1924.

Prohibition. Forfeiture of vessels in enforcement of national prohibition. *Charles S. Desmond*. Am. Bar Assoc. Jour. Jan., 1925.

———. In re proposal to transfer the prohibition enforcement unit to the department of justice. *Wayne B. Wheeler*. Central Law Jour. Jan. 5, 1925.

———. Is prohibition worth while? *Charles Platt* and *Eugene Lyman Fisk*. Nation. Jan. 14, 1925.

———. Prohibition as it is. I. Hoboken—Buffalo—Detroit. II. The middle west and the farm belt. III. St. Louis—the dry south—Washington. *Rollin Lynde Hartt*. World's Work. Jan., Feb., Mar., 1925.

———. The call to patriotism. *William F. Anderson*. N. Am. Rev. Mar.

Public Utilities. The functions of courts and commissions in public utility rate regulation. *Ray A. Brown*. The power of a public utility to fix its rates and charges in the absence of regulatory legislation. *William E. McCurdy*. Harvard Law Rev. Dec., 1924.

———. The principle of reparation applied to rate regulation. *A. H. Ryall*. Mich. Law Rev. Jan., 1925.

———. More about public utility depreciation. *John Bauer*. Electric light and power as a public utility. *Delos F. Wilcox*. Nat. Mun. Rev. Jan., Mar. (Supp.), 1925.

**Public Utilities.** Valuation in rate cases. *Henry Rottschaefer*. Minn. Law Rev. Feb., 1925.

———. Status of electric light and power utility in Minnesota. *Delos F. Wilcox*. Minn. Municipalities. Feb., 1925.

**Radio.** Power of congress over radio communication. *Blewett Lee*. Am. Bar Assoc. Jour. Jan., 1925.

**Railroad Labor Board.** Enforcement of duties under the labor provisions of the transportation act. *Note Editor*. Harvard Law Rev. Jan., 1925.

**Railroad Problem.** Who own the railroads? *Edmund A. Whitman*. Scribner's. Jan., 1925.

———. Uncle Sam settles with the railroads. *Oliver Peck Newman*. Rev. of Revs. Mar., 1925.

———. Railroad consolidation. *Eliot Jones*. N. Am. Rev. Mar., 1925.

———. Roads—motor and rail. *George W. Anderson*. Atlan. M. Mar.

**Revised Statutes.** The revision of the federal statutes. *William L. Burdick*. Am. Bar Assoc. Jour. Mar., 1925.

**Rotten Boroughs.** Progressive hopes and rotten boroughs. *Orville A. Welsh*. Nation. Jan. 7, 1925.

**Seamen's Act.** Eight years of the seamen's act. *Paul S. Taylor*. Am. Labor Legis. Rev. Mar., 1925.

**Search and Seizure.** Evidence obtained by illegal search and seizure. *Albert J. Harno*. Ill. Law Rev. Jan., 1925.

———. Admissibility of evidence obtained through unreasonable searches and seizures. *Thomas E. Atkinson*. Columbia Law Rev. Jan., 1925.

———. Search and seizure—admissibility of evidence illegally obtained. *Chas. E. Carpenter*. Ore. Law Rev. Feb., 1925.

**Senate.** In defense of the senate. *Oswald Garrison Villard*. Nation. Mar. 25, 1925.

**State Administration.** The movement for the reorganization of state administration in Texas. *Frank M. Stewart*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1924.

———. Scientific research and state government. *Leonard D. White*. Am. Pol. Sci. Rev. Feb., 1925.

**State Constitutions.** The nature and effect of changes in constitutions. *C. B. Seymour*. Ky. Law Jour. Nov., 1924.

———. On making constitutions. *Charles A. Woods*. Am. Bar Assoc. Jour. Jan., 1925.

———. Amendment of the Iowa constitution. *Carl H. Erbe*. Ia. Jour. Hist. and Pol. Jan., 1925.

**States' Rights.** Some aspects of the doctrine of state rights. *Sidney St. F. Thaxter*. Const. Rev. Jan., 1925.

———. The plea for states' rights. *Curtis Nettels*. New Repub. Jan. 14, 1925.

**Tariff.** The economics and politics of the agricultural tariff. *Clarence A. Wiley*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1924.

———. Peter's coat and the tariff. *William L. Chenery*. Atlan. M. Feb.

———. Some legal aspects of the flexible tariff. I. *Henry H. Glassie*. Va. Law Rev. Mar., 1925.

**Taxation.** Federal taxation of income from municipally owned utilities or securities issued for their purchase. *Wm. Chamberlain*. Ia. Law Bull. Nov., 1924.

———. United States board of tax appeals. *Charles D. Hamel*. Georgetown Law Jour. Nov., 1924.

———. The progress of the law, 1923-1924: taxation. *Joseph H. Beale*. Constitutional limits upon franchise taxation of foreign corporations. *Note Editor*. Harvard Law Rev. Jan., 1925.

———. The power of the states to domesticate foreign corporations for income tax purposes. *Thomas G. Frost*. Am. Law Rev. Jan.-Feb., 1925.

———. The national revenue act of 1924. *Middleton Beaman*. The United States board of tax appeals: its jurisdiction and practice. *Clarence A. Miller*. Am. Bar Assoc. Jour. Jan., Mar., 1925.

———. Death taxes in the United States: a study in confusion. *James Bond, Jr.* The federal gift tax as a form of capital levy. *F. A. Schack*. Econ. World. Feb. 14, 21, 1925.

———. Massachusetts trust under federal tax law. *Henry Rottschaefer*. State power to tax corporations under the commerce clause and the fourteenth amendment. *Note Editor*. Columbia Law Rev. Mar., 1925.

**Texas.** Social problems in Texas. *Max Sylvius Handman*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1924.

**Voting.** Review of absentee voters legislation in Pennsylvania. *H. L. R.* Pa. Law Rev. Jan., 1925.

———. Voting and vote-slacking. *Charles H. Sherrill*. N. Am. Rev. Mar., 1925.

———. Elections—improper marking of ballots. *M. M. B.* Mich. Law Rev. Mar., 1925.

**Women's Rights.** Rights of women to hold office. *Cecil R. Chamberlin*. Tex. Law Rev. Feb., 1925.

———. Feminists and future political action. *Anne Martin*. Nation. Feb. 18, 1925.

**Workmen's Compensation.** The general development of workmen's compensation acts. *Roy Moreland*. Ky. Law Jour. Nov., 1924, Jan., 1925.

———. A victory for effective compensation law administration. *Bessie P. Brueggeman*. Am. Labor Legis. Rev. Dec., 1924.

———. Administrative problems in Wisconsin workmen's compensation. *Herbert D. Laube*. Wis. Law Rev. Jan., 1925.

———. Workmen's compensation laws affecting injuries to the eye. *Harry Best*. Am. Bar Assoc. Jour. Jan., 1925; Econ. World. Feb. 28, 1925.

## FOREIGN AND COMPARATIVE GOVERNMENT

### Books

*Abbas, M. H.* All about the khalifat. Pp. 368. Calcutta: Ray and Ray Choudhury.

*Ageorges, Joseph.* Histoire d'un échec électoral de 11 mai 1924. Paris: Spès.

- Andersen, Paul.* Om ugyldige Forvaltningsakter, med saerligt Henblik paa Ugyldigheds Grundeue. Pp. 324. Kjöbenhavn: Arnold Busch.
- Arey, G.* Comment on acquiert, comment on perd la nationalité française. Pp. 180. Paris: Dalloz.
- Arnold, Sir Thomas W.* The caliphate. Toronto: Oxford Univ. Press.
- Aubert, Maître.* Bolshevism's terrible record. Boston: Small, Maynard.
- Aulneau, J.* Le drame de l'Allemagne. Pp. 260. Paris: Alcan.
- Beuque, Etienne.* Pour l'Irlande. Paris: L'Ame Gauloise.
- Bonnet, G.* Les finances de la France. Paris: Payot.
- Bourgin, G., et Henriot, G.* Procès-verbaux de la commune de 1871. T. 1. Mars-avril 1871. Édition critique. Pp. 608. Paris: E. Leroux.
- Buchan, John.* Lord Minto: a memoir. Pp. xviii + 352. London: Thomas Nelson & Sons.
- Cole, G. D. H.* The life of William Cobbett. Pp. 468. Harcourt, Brace.
- Colin, Paul.* Codes et lois pour la France et les colonies. 2 vols. Pp. 1600; 2250. Paris: G. Godde.
- Cooke, Richard J.* Religion in Russia under the soviets. Pp. 311. N. Y.: Abingdon Press.
- Crispi, T. Palamenghi.* Francesco Crispi: politica interna. Pp. 360. Milano: Fratelli Treves.
- Cruikshank, E. A., ed.* The correspondence of Lieutenant Governor John Graves Simcoe, with documents relating to his administration of the government of upper Canada. Vol. II: 1793-1794. Toronto: Ontario Hist. Soc.
- Damon, Louis.* Nos parlementaires. Pp. 320. Paris: H. Goulet.
- Daudet, Léon.* La chambre national du 16 novembre. Pp. 200. Paris: Nouvelle Librairie Nationale.
- Debien, Joseph.* Histoire politique des protestants français (1715-1794). 2 vols. Pp. xv + 422; 375. Paris: Lecoffre-Gabalda.
- Demichelli, Alberto.* Los entes autonomos regimen juridico de los servicios publicos descentralizados. Pp. viii + 371. Montevideo.
- Domville-Fife, C. W., ed.* The encyclopedia of the British empire. Vols. I-II. Pp. xv + 1204. London: Rankin Bros.
- Duguít, Léon.* Traité de droit constitutionnel. (2<sup>e</sup> éd.) Tome IV. L'organisation politique de la France. Pp. 937. Paris: Boccard.
- Egerton, H. E.* Federations and unions within the British empire. (2nd ed.) Oxford: Clarendon Press.
- Eulambio, M. T.* The national bank of Greece. Pp. xvi + 270. London: Eyre & Spottswood.
- Farbman, Michael.* After Lenin. The new phase in Russia. Pp. viii + 280. London: Parsons.
- Fisk, Otis H.* Germany's constitutions of 1871 and 1919. Pp. vi + 292. Cincinnati: Court Index Press.
- Foignet, René.* Manuel élémentaire de législation coloniale. Pp. 460. Paris: Rousseau.
- Gwynn, Denis.* Catholic reaction in France. Pp. 186. Macmillan.
- Hayter, Sir William.* Recent constitutional developments in Egypt. Cambridge: Univ. Press.
- Harris, Murray.* Egypt under the Egyptians. Pp. 240. London: Chapman.

*Hills, J. W.* The financial system of the United Kingdom. London: Philip Allan.

*Hohlfeld, Joh.* Geschichte des deutschen Reiches 1871-1924. Pp. 788. Leipzig: Hirzel.

*Honnorat, André.* Le désarmement de l'Allemagne. Pp. 146. Paris: Costes.

*Ibañez, Vicente Blasco.* Alfonso XIII unmasked. The military terror in Spain. (Translated by Leo Ougley.) Pp. 158. London: Nash & Grayson.

*Jollie, Ethel Tawse.* The real Rhodesia. Pp. 311. London: Hutchinson.

*Jurinc, A.* Le socialisme en Algérie. Pp. 297. Paris: J. Carbone.

*Karolyi, Count Michael.* Fighting the world: the struggle for peace. (Translated by E. W. Dickes.) Pp. xvi + 464. London: Kegan Paul.

*Katzenellenbaum, S. S.* Russian currency and banking, 1914-1924. Pp. x + 198. London: King.

*Keen, F. N.* The law of public service undertakings. Pp. 332. London: King.

*Lampué, P.* Les conseils du contentieux administratif des colonies. Pp. 235. Paris: Chauny et Quinsac.

*La Torre, M.* Elementi di diritto amministrativo. Vol. I. Pp. 267. Rome: Societa Editrice Libreria.

*Laurent, R.* Manuel politique et social. Le programme des républicains démocrates. Pp. 260. Paris: Spès.

*Lebeau, Charles Hippolyte.* Essai sur la justice en Turquie. Pp. 123. Paris: Rivière.

*Le Chémant, Keith.* Colonial and foreign banking systems. London: Routledge.

*Lee, Sir Sidney.* King Edward VII. Vol. I. From birth to accession. Pp. 842. Macmillan.

*Leys, Norman (Fulani Bin Fulani).* Kenya. Pp. 409. London: Hogarth Press.

*Linebarger, Paul.* Sun Yat Sen and the Chinese republic. Century Co.

*Louis, Paul.* Histoire du socialisme en France depuis la révolution jusqu'à nos jours. Pp. 416. Paris: Rivière.

*Molotov, Viatcheslav.* Lénine et le parti pendant la révolution. Paris: Libr. de l'Humanité.

*Pickthorn, K.* Some historical principles of the constitution. London: Philip Allan.

*Romanones, Conde de.* Las responsabilidades del antiguo régimen, 1875-1923. Madrid: Renacimiento.

*Sarkar, Jadunath.* Mughal administration. Pp. viii + 264. Calcutta: M. C. Sarkar.

*Solmi, Arrigo.* La riforma costituzionale. Pp. 116. Milano: Alpes.

*Trotsky, Leon.* Lenin. Pp. 236. N. Y.: Minton, Balch.

*Valles, A. de.* I servizi pubblici. Pp. 268. Rome: Societa Editrice Libreria.

*Valois, Georges.* La révolution nationale. Pp. 192. Paris: Nouvelle Librairie Nationale.

*Vandervelde, Emile.* Histoire du parti ouvrier belge. Pp. 500. Paris: L'Eglantine.



*Volt.* Programma della destra fascista. Pp. 157. Firenze: Soc. An. Editrice "La Voce."

*Wedgwood, Josiah C.* Essays and adventures of a labour M. P. Pp. 263. Huebsch.

*White, Albert Beebe.* The making of the English constitution. Putnam's.

*Wilkinson, William J.* Tory democracy. (Columbia Univ. Studies.) Pp. 315. Longmans.

*Williamson, R. W.* The social and political systems of central Polynesia. 3 vols. Macmillan.

*Yovanovitch, Nikodîé.* Constitution du royaume des Serbes, Croates et Slovènes. Pp. 428. Paris: E. Sagot.

#### Articles

**Albania.** Albania—is she to exist?. *L. H. Mander.* Fort. Rev. Feb.

**Armenia.** Armenian reds curbed by American philanthropy. *H. C. Jaquith.* Current Hist. Feb., 1925.

**Austria.** Austria after two years of reconstruction. *Alzada Comstock.* Rev. of Revs. Mar., 1925.

**Bolivia.** The railway policy of Bolivia. *Santiago Martín Vicuña.* Inter-America. Feb., 1925.

**British Empire.** Des colonies: essai d'après Adam Smith. *Paul Fontaine.* Le Canada Français. Jan., 1925.

———. The British empire. *J. D. Whelpley.* N. Am. Rev. Mar., 1925.

**Canada.** The struggle over the laws of Canada, 1783-1791. *F. H. Seward.* The evolution of the foreign relations of Canada. *George M. Wrong.* The letters of John Langton about Canadian politics, 1855-1856. Canadian Hist. Rev. Dec., 1924; Mar., 1925.

———. Strains on Canadian confederation. *J. A. Stevenson.* New Repub. Jan. 7, 1925.

———. The conflict between east and west in Canada. *Frank Bohn.* Current Hist. Feb., 1925.

———. Our constitution outside of the British North America act. *C. A. Stuart.* The veto power. *W. M. Martin.* Canadian Bar Rev. Feb., 1925.

———. The prevention of multiple taxation under the succession duty acts of the provinces of Canada. *R. P. Jellett.* Econ. World. Mar. 7, 1925.

**Central Europe.** Lotta d'influenze nell' Europa centrale. *Attilio Tamaro.* Politica. Sept.-Oct. 1924.

———. Die Währungssysteme in den Nachfolgestaaten der österreich-ungarischen Monarchie. *Richard Kerschagl.* Zeitschrift gesamte Staatswissenschaft. No. 3/4, 1924.

**China.** The development of modern legal institutions and judicial reform in China. I. II. *Kiang Yung.* Labor legislation in China. *S. C. Ho.* Criticism of the new Chinese constitution. *Y. L. Liang.* China Law Rev. July, Oct., 1924.

———. China's introduction of foreign institutions. *Lo Wen-kan.* The Chinese constitution. *Harold S. Quigley.* Chinese Soc. and Pol. Sci. Rev. Oct., 1924; Jan., 1925.

**China.** Le convulsioni militari della Cina e le grandi potenze. *Giuseppe Colanageli*. *Politica*. Sept.-Oct., 1924.

———. L'art militaire antique et la guerre en Chine. *George Soulié de Morant*. *Mercure de France*. Nov. 15, 1924.

———. China in chaos. *F. L. Hawks Pott*. The making of the Chinese soldier. *Percival Finch*. *Current Hist.* Jan., 1925.

———. The distribution of population in China: economic and political significance. *Percy M. Roxby*. *Geog. Rev.* Jan., 1925.

———. Zur Lage in China. *Friedrich Wilhelm Mohr*. *Preuss. Jahrbücher*. Jan., 1925.

———. Chinese politics and Christian ethics. *Rodney Gilbert*. (*North China Herald*) *Liv. Age*. Jan. 31, 1925.

———. China in evolution. *Round Table*. Mar., 1925.

———. The Chinese of it. *An American Spectator*. *Atlan. M.* Mar.

**Civil Service.** Public servants at home and abroad. *Sir Stanley Leathes*. Recruitment and status of civil servants in certain countries. *Research Committee*. *Jour. Pub. Admin.* Jan., 1925.

**Colombia.** The historical personality of the republic of Colombia. *Carlos García Prada*. *Inter-America*. Feb., 1925.

**Cuba.** A disillusioned Cuban. *Emilio Roig de Leuchsenring*. (*Cuba Contemporánea*) *Liv. Age*. Mar. 7, 1925.

**Czechoslovakia.** Die Entstehung der tschechoslowakischen Republik im Lichte des Völkerrechts. *Ladislav Buza*. *Zeitschrift für Völkerrecht*. No. 1, 1924.

———. Compulsory voting in Czechoslovakia. *Charles E. Merriam*. *Nat. Mun. Rev.* Feb., 1925.

———. Slovenské Minder. *T. G. Masaryk*. *Gads Danske Mag.* Mar.

**Elections.** Élections d'Angleterre et d'Amérique. *André Chaumeix*. *Rev. de Paris*. Nov. 15, 1924.

———. American vs. British progressivism. *William Orton*. *New Repub.* Mar. 11, 1925.

———. Lessons of the elections. *Editor*. *Const. Rev.* Jan., 1925.

**Estonia.** The constitution of the republic of Estonia. *Antonius Piip*. *Const. Rev.* Jan., 1925.

———. Communism in Reval. *Georg Meri*. *Contemp. Rev.* Feb., 1925.

**France.** Le pacifisme en France. *Claire Géniaux*. *Rev. Mondiale*. Jan. 15, 1925.

———. The French outlook. *Sisley Huddleston*. *Contemp. Rev.* Feb.

———. The influx of aliens into France. *John Gleason O'Brien*. *Current Hist.* Mar., 1925.

———. How fares it with France? *Alphonse Lugan*. *Catholic World*. Mar., 1925.

———. Government. De la responsabilité des communes et de l'état au cas de troubles publics. *Louis Darroze*. *Rev. Gén. d'Admin.* Nov.-Dec., 1924.

———. The law of trade unions in France. *John H. Romanes*. *Jurid. Rev.* Dec., 1924.

———. Les fonctionnaires et la natalité. *Séverin Canal*. Le projet de revision du code de justice militaire. *Général J. Rouquerol*. *Mercure de France*. Dec. 1, 1924; Feb. 1, 1925.

France. France's financial predicament. *Ernest Minor Patterson*. New Repub. Dec. 31, 1924.

———. Comment doit être réorganisée la défense nationale. *Général Taufflieb*. Rev. de Paris. Jan. 1, 1925.

———. Les réformes administratives. *Victor Augagneur*. Rev. Mondiale. Jan. 15, 1925.

———. Le problème financier: la politique de trésorerie. *Maurice Alfassa*. Nouvelle Rev. Feb. 15, 1925.

———. Finances et liberté. *F. François-Marsal*. L'organisation professionnelle patronale en France. *Antoine de Tarlé*. Rev. Deux Mondes. Mar. 1, 1925.

———. Politics. La doctrine politique de M. Gaston Doumergue. *Paul Crouzet*. La Grande Rev. Oct., 1924.

———. Joseph Caillaux und die französische Politik. *René Schickele*. Neue Rundschau. Dec., 1924.

———. La révolution en marche. *Comte de Fels*. Le bilan de bloc national. *Ch. de Lasteyrie*. Le gouvernement et le communisme. Le congrès socialiste. *André Chaumeix*. Rev. de Paris. Dec. 1, 15, 1924; Jan. 1, Mar. 1, 1925.

———. Personalities and politics in France. *Sisley Huddleston*. Atlan. M. Jan., 1925.

———. Mesocracy in France—the dictatorship of the middle class. *Albert Guérard*. In the realm of King Log—the presidency of the French republic. *Albert Guérard*. Scribner's. Jan., Feb., 1925.

Germany. Die Stellung des Staatshauptes zur Legislative und Exekutive im deutschen Reiche und seine Ländern. *E. H. Hoffmann*. Der Streit um den Art. 48 der Reichsverfassung. *Wilhelm Kronheimer*. Archiv Öffent. Rechts. No. 3, 1924.

———. Wege der Erneuerung der Weimarer Reichsverfassung. *Fritz Stier-Somlo*. Vom Ausbau der preussischen Verwaltungsgerichtsbarkeit. *Dr. Drews*. Die Reichssteuerpolitik der Nachkriegszeit. *G. Strutz*. Zeitschrift gesamte Staatswissenschaft. No. 3/4, 1924.

———. La crise politique de l'Allemagne. *André Chaumeix*. Elections et situation parlementaire en Allemagne. *O. Hesnard*. Les alliés et le nationalisme allemand. *André Chaumeix*. Rev. de Paris. Nov. 1, 1924; Jan. 1, Feb. 1, 1925.

———. Die Frau vor der Wahl. *Wally Zepler*. Agrarschutz und Sozialdemokratie. *Max Schippel*. Deutsche Politik und deutsche Parteien. *Max Cohen*. Sozialistische Monatshefte. No. 12, 1924; No. 1, 1925.

———. Zur Kritik des deutschen Nationalismus. *Ernst von Aster*. Neue Rundschau. Jan., 1925.

———. Les élections allemandes du 7 décembre 1924. *J. Aulneau*. Rev. Bleue. Jan. 17, 1925.

———. Present-day tendencies in German socialism. *Emil Frankel*. Jour. Pol. Econ. Feb., 1925.

———. La renaissance allemande en 1924. *Jacques de Préchac*. Le Correspondant. Feb. 25, 1925.

———. Princes and paupers in Germany. *Sir Philip Gibbs*. World's Work. Mar., 1925.

Great Britain. Economic Policy. Britische Zoll-und Reichswirtschafts-politik. *Max Schippel*. Sozialistische Monatshefte. No. 1, 1925.

———. The elements of rate-fixing for public utilities. *Sir Henry Bunbury*. Jour. Pub. Admin. Jan., 1925.

———. Imperial preference. *Sir Charles Mallet*. Contemp. Rev. Feb.

———. The new tariff proposals. *Wedgwood Benn*. Fort. Rev. Feb.

———. Public expenditure and the demand for labour. *R. G. Hawtrey*. Economica. Mar., 1925.

———. Government. The British plantation councils of 1670-4. *Ralph Paul Bieber*. Eng. Hist. Rev. Jan., 1925.

———. Some new machinery of government. *Viscount Haldane*. The expert and the layman. *Sir R. V. N. Hopkins*. Jour. Pub. Admin. Jan.

———. Bureaucracy again. *C. K. Allen*. Quar. Rev. Jan., 1925.

———. The treaty-making prerogative. *Sir Francis Piggott*. Fort. Rev. Jan., 1925.

———. The foreign office services. I. The diplomatic service. *A. C. Wratislaw*. Blackwood's Mag. Feb., 1925.

———. Copyright law and the public. *G. Herbert Thring*. The ex-fighting man in the civil service. *J. R. Griffin*. Nine. Cent. Feb., 1925.

———. The house of commons, 1832-1867: a functional analysis. *J. A. Thomas*. A note on parliamentary time and the problems of devolution. *J. S. Henderson and H. J. Laski*. Economica. Mar., 1925.

———. Politics. Da Lloyd George alla vittoria unionista. *Ignotus*. Il nazionalismo egiziano e la politica britannica. *Aurelio Palmieri*. Politica. Sept.-Oct., Nov.-Dec., 1924.

———. Les progrès du communisme en Grande-Bretagne. *Jean Allary*. Rev. de Paris. Dec. 15, 1924.

———. United Kingdom: the conservative victory. Current politics. Round Table. Dec., 1924, Mar., 1925.

———. The conversion of the British trade-unions to political action. *Carl F. Brand*. Am. Hist. Rev. Jan., 1925.

———. The causes of the defeat of British labor. *S. K. Ratcliffe*. Current Hist. Jan., 1925.

———. The tory socialist. *Editor*. Edin. Rev. Jan., 1925.

———. The future of liberalism. I. *F. W. Hirst*. II. *W. M. R. Pringle*. III. *Harold Spender*. Contemp. Rev. Jan., 1925.

———. Labour in the new era. *Noel Skelton*. The task of the government. *Anon.* Quar. Rev. Jan., 1925.

———. Election psychology. *John R. Remer*. British fascism. *R. B. D. Blakeney*. Nine. Cent. Jan., 1925.

———. The liberal task. *Hugh F. Spender*. Parties and persons. "Curio." Fort. Rev. Jan., Feb., 1925.

———. The great Mr. Churchill. *Ian Colvin*. Atlan. M. Feb., 1925.

———. Can labor rule? *A. G. Gardiner*. Harper's. Feb., 1925.

———. Labor's attempt to govern Britain. *William Thomas Morgan*. Jour. Pol. Econ. Feb., 1925.

———. The British election. *Elmer D. Graper*. Am. Pol. Sci. Rev. Feb.

Greece. Nine months of Greek republicanism. *W. Miller*. Contemp. Rev.

Feb., 1925.

Hungary. The league of nations loan to Hungary and what it has accomplished. *Jeremiah Smith, Jr.* Econ. World. Dec. 20, 1924.

———. Notes on Hungary. *Alfred L. P. Dennis.* N. Am. Rev. Mar.

———. Hungary in the new Europe. *Count Stephen Bethlen.* Foreign Affairs. Apr., 1925.

India. India: a survey of the situation. The political chaos. Round Table. Dec., 1924, Mar., 1925.

———. A plea for the Indian muslim. *Sir Henry Sharp.* Should Englishmen enter the Indian services? *Sir Reginald Craddock.* The outcastes of India: their hope of freedom. *Bishop Whitehead.* Nine. Cent. Jan., Feb.

———. Gandhi, the great man of India to-day. *Grace Thompson Seton.* Rev. of Revs. Feb., 1925.

———. L'Inde et le monde. L'oeuvre de la civilisation indienne. *Sylvain Lévi.* Rev. de Paris. Feb. 1, 15, 1925.

Ireland. The Irish boundary question. Ireland as it is. Round Table. Dec., 1924, Mar., 1925.

———. The Irish boundary question. *Manley O. Hudson.* Am. Jour. Int. Law. Jan., 1925.

———. The Irish boundary question. *Edin. Rev.* Jan., 1925.

Italy. La crisis fascista en Italia. *Romanus.* Rev. Gen. Legis. y Juris. Dec., 1924.

———. Le fascisme. *Jean Signorel.* La Grande Rev. Dec., 1924.

———. Le déclin du fascisme ou l'heure du roi. *Maurice Vaussard.* Le Correspondant. Jan. 10, 1925.

———. La politique étrangère: la crise du fascisme. *L. Dumont-Wilden.* Rev. Bleue. Jan. 17, 1925.

———. The Italian newspaper press. *James Murphy.* Fort. Rev. Feb.

———. Benito Mussolini—Italy's opportunist dictator. *Robert Sencourt.* Current Hist. Mar., 1925.

———. Italy and fascism. *Count Carlo Sforza.* Foreign Affairs. Apr.

Jugoslavia. La lotta dei croati contro i serbi. *Attilio Tamaro.* Politica. Nov.-Dec., 1924.

———. The kingdom of the Serbs, Croats, and Slovenes: administrative divisions in relation to natural regions. *Borivoje Ž. Milojević.* Geog. Rev. Jan., 1925.

———. The unmaking of Jugoslavia. *D. Mitrany.* New Repub. Jan. 23.

Latin America. Südamerikanische Zukunftsfragen. *Albrecht Haushofer.* Deutsche Rundschau. Jan., 1925.

———. Pan-American armaments and revolutions. *Daniel S. Appleton.* Rev. of Revs. Jan., 1925.

———. Spanish-American revolutions. *D. Baldomero Santín Cano.* Liv. Age. Jan. 17, 1925.

———. Dictatorship and democracy in Latin America. *F. Garcia Calderon.* Foreign Affairs. Apr., 1925.

Latvia. La législation de la Lettonie. *M. B. Pache.* Bull. l'Inst. Intermed. Int. Jan., 1925.

Mexico. Mexico. *Lewis Spence.* Nine. Cent. Jan., 1925.

———. Tasks awaiting President Calles of Mexico. *Carleton Beals.* Current Hist. Feb., 1925.

- Mexico. The new era in Mexico. *Ernest Gruening*. Century. Mar., 1925.
- Newfoundland. Terre-Neuve. *René Le Conte*. Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1924.
- Roumania. L'activité législative de la Roumanie. *Léon Thévenin*. Rev. Bleue. Feb. 21, 1925.
- Russia. La Georgia ed i soviety. *Aurelio Palmieri*. Politica. Sept.-Oct., 1924.
- . La Russie de 1900 à 1917. *B. Maklakoff*. Comment on travaille en Russie soviétique. *Max Hirschler*. Rev. de Paris. Oct. 1, Nov. 15, Dec. 1.
- . La Russie depuis la révolution jusqu'à la reconnaissance. *C. Audran*. La Grande Rev. Nov., 1924.
- . The communist conception of law. III. *Borris M. Komar*. Canadian Bar Rev. Dec., 1924.
- . Une nouvelle famine en Russie. *C<sup>te</sup> W. Kokortzoff*. La faillite de la métaphysique bolchéviste. II. La terreur scolaire. *Serge de Chessin*. Rev. Deux Mondes. Nov. 1, 1924; Mar. 1, 1925.
- . Die Abdankung des Zaren. *Michael Smilg-Benario*. Preuss. Jahrbücher. Jan., 1925.
- . The triumph of atheism in Russia. *Stanley High*. Atlan. M. Jan., 1925.
- . Bolschewismus und Geisteskultur. *Georg Wlassow*. Deutsche Rundschau. Jan., 1925.
- . The true genesis of bolshevism. *E. G. Hawke*. Contemp. Rev. Jan., 1925.
- . El código ruso del trabajo. *Francisco Hostench*. Rev. Gen. Legis. y Juris. Jan., 1925.
- . Trotsky's attack on the soviet rules. *Elias Tobenkin*. The extraordinary career of Leon Trotsky. *E. Aronsberg*. Current Hist. Feb., 1925.
- . The suicide of Russia. *Ellsworth Huntington*. Scribner's. Feb.
- . Civil liberties in Russia. *Harry F. Ward*. Political prisoners under bolshevism. *Louis Fischer*. Nation. Mar. 4, 1925.
- Siam. Siam keeps step with twentieth century progress. *Knowlton Mixer*. Current Hist. Feb., 1925.
- South Africa. The real South African problem. *L. E. Neame*. Quar. Rev. Jan., 1925.
- Spain. Turbulent Spain: her future. *John Langdon-Davies*. Century. Mar., 1925.
- Switzerland. La démocratie suisse d'après guerre. Problèmes intérieurs: referendum et centralisation. *C. G. Picavet*. Rev. Sci. Pol. Oct.-Dec., 1924.
- Turkey. The problem of Turkey. *John Dewey*. New Repub. Jan. 7, 1925.
- . La question turque vue d'Asie. *L. de Contenson*. Le Correspondant. Jan. 10, 1925.
- . The Turkish republic—1925. *Elbert Crandall Stevens*. Current Hist. Mar., 1925.

## INTERNATIONAL RELATIONS

*Books*

*Aboussouan, B.* Le problème politique syrien. Pp. 324. Paris: L. Chauny et L. Quinsac.

*Allot, Alexandre.* Le bassin de la Sarre. Pp. 372. Paris: Berger-Levrault.

*Alvarez, A.* Le nouveau droit international public et sa codification en Amérique. Paris. 1924.

*Aubac, Stéphane.* La vérité sur les minorités nationales en Pologne. Paris: Edit. de la Revue Bleue.

*Baker, P. J. Noel.* The Geneva protocol. London: King.

*Barrès, Maurice.* Une enquête aux pays du Levant. 2 vols. Pp. 312; 240. Paris: Plon.

*Bates-Batcheller, Tryphosa.* Une amitié historique: France-Amérique. Pp. 240 + 28. Paris: Plon.

*Bülow, B. W. von.* Der Versailles Völkerbund. Eine vorläufige Bilanz. Pp. viii + 608. Stuttgart: W. Kohlhammer.

*Burian, Count Stephen.* Austria in dissolution. (Translated by Brian Lunn.) Pp. 455. London: Benn.

*Carnegie, David.* The history of munitions supply in Canada, 1914-1918. Pp. xxvii + 336. Longmans, Green.

*Crisciolo, Luigi.* The Italo-American entente. Pp. 192. N. Y.: Charles H. Jones & Co.

*Custance, Sir Reginald.* A study of war. Houghton Mifflin.

*Daniloff, Jurij.* Russland in Weltkriege 1914-1915. Jena: Walter Biedermann.

*Dennett, Tyler.* Roosevelt and the Russo-Japanese war. Doubleday, Page.

*Delessert, Charles.* L'établissement et le séjour des étrangers au point de vue juridique et politique. Pp. 608. Lausanne: Imp. la Concorde.

*D'Ormesson, Wladimir.* La première mission officielle de la France aux États-Unis, Conrad Alexandre Girard, 1778-1779. Pp. xi + 227. Paris: Champion.

*Eddy, Sherwood, and Page, Kirby.* The abolition of war. Pp. 233. Doran.

*Ferri, C. E.* La società delle nazioni e l'Italia. Pp. 126. Milano.

*Fonck, R.* L'aviation et la sécurité française. Pp. 320. Paris: Bossard.

*Franck, Paul.* La reconstitution financière de l'Autriche. Pp. 263. Paris: Rhéa.

*Friedjung, Heinrich.* Das Zeitalter des Imperialismus 1884-1914. 3 Bde. Pp. xii + 472; xi + 410; viii + 352. Berlin: Neufeld u. Henius.

*Gaulis, Berthe.* Angora, Londres, Mustapha Kemal Pacha, et la politique anglaise en orient. Pp. 283. Paris: Colin.

*Gordon-Lennox, Lady Algernon,* ed. The diary of Lord Bertie of Thame. 1914-1918. Doran.

*Granfelt, Helge.* Das Dreibundsystem, 1879-1916. Stockholm: H. Granfelt.

*Hall, William Edward.* A treatise on international law. (Eighth edition, by A. Pearce Higgins.) Pp. xlviii + 952. Oxford: Clarendon Press.

*Hann, Otto.* Deutsche Weltpolitik 1890-1912. Berlin: Reimar Hobbing.

*Harms, Paul.* Vier Jahrzehnte Reichspolitik, 1878-1919. Pp. 209. Leipzig: Quelle & Meyer.

*Hodgson, James Goodwin,* comp. Recognition of soviet Russia. Pp. 111. N. Y.: H. W. Wilson Co.

*Hsia, Ching-lin.* Studies in Chinese diplomatic history. Pp. 226. Shanghai: Commercial Press.

*Hudson, Manley O.* The permanent court of international justice and the question of American participation. Harvard Univ. Press.

*Huguel, Pierre.* Le droit pénal de la Rhénanie occupée. Pp. 247. Paris: Les Presses Universitaires.

*Hurd, Archibald.* History of the great war: the merchant navy. Vol. II. Longmans, Green.

*Joffre, A.* Le mandat de la France sur la Syrie et le grand Liban. Pp. 150. Paris: Société du Recueil Sirey.

*Jung, Eugène.* La revolte arabe. II. De juin 1916 à nos jours. La lutte pour l'indépendance. Paris: Colbert.

*Jusserand, Jules J.* The school for ambassadors. Putnams.

*Kibal, Vlastimil.* La Cecoslovacchia e l'Italia. Roma: Istituto per l'Europa Orientale.

*Kuczynski, R.* Deutschland und Frankreich. Pp. 410. Berlin: R. L. Prager.

*Lamas, Carlos Saavedra.* Traités internationaux de type social. Pp. x + 453. Paris: Pedone.

*Lascaris, S. Th.* La politique extérieure de la Grèce avant et après le congrès de Berlin, 1875-1881. Pp. 222. Paris: Bossard.

*Lenz, Friedrich, u. Schmidt, Eberhard.* Die deutschen Vergeltungsmassnahmen im Wirtschaftskrieg. Pp. 368. Bonn u. Leipzig: Kurt Schroeder.

*MacNair, H. F.* The Chinese abroad: their position and protection. Pp. 340. Shanghai: Commercial Press.

*Marriott, J. A. R.* The eastern question: an historical study in European diplomacy. (Third ed., revised.) Pp. xii + 564. Oxford: Clarendon Press.

*Miller, David Hunter.* The Geneva protocol. Pp. 279. Macmillan.

*Monteil, P. L.* Souvenirs vécus—quelques feuillets de l'histoire coloniale: les rivalités internationales. Pp. 157. Paris: Société d'Éd. Géog. Maritimes et Coloniales.

*Montgelas, Count Max.* The case for the central powers. (Translated by Constance Vesey.) Pp. 255. London: Allen & Unwin.

*Moon, Parker T.* Syllabus on international relations. Pp. 280. Macmillan.

*Nathan, Manfred.* The renascence of international law. (Grotius Society Publications, No. 3.) Pp. ix + 218. London: Sweet & Maxwell.

*Newfang, Oscar.* The road to world peace. Putnam's.

*Nitti, Francesco.* They make a desert. (Translated from the Italian by F. Brittain.) London: Dent.

*Novello.* L'évolution du droit de visite et du droit de prise au cours de la dernière guerre. Pp. 232. Paris: Les Presses Universitaires.

*Penfold, Saxby Vouler.* The marriage of two nations. N. Y.: American English Literature Society.

*Pernot, Maurice.* Le saint-siège, l'église catholique et la politique. Paris: Colin.



*Podesta-Costa, L. A.* Efectos internacionales de la actuacion de los gobiernos de facto. Buenos Aires: Imp. de la Universidad.

*Rankin, Enid Scott.* The dominion of sea and air. Century Co.

*Rask-Orstedfonden.* Les origines et l'oeuvre de la société des nations. Tome II. Pp. 500. Copenhagen: Gyldendal.

*Rice, Stanley.* The challenge of Asia. Scribner's.

*Rivière, P. L.* Traités, codes et lois du Maroc. T. 2. Organisation du protectorat. Pp. 550. Paris: Société du Recueil Sirey.

*Roux, François Charles.* L'Angleterre et l'expédition française en Égypte. Le Caire.

*Sabetta, Guido.* La proprietà fondiaria in Oriente. Politica di colonizzazione. Pp. 208. Roma: Treves.

*Stieve, Friedrich,* ed. Der diplomatische Schriftwechsel Iswolskis, 1911-1914. 4 vols. Berlin: Deutsche Verlagsgesellschaft für Politik u. Geschichte.

*Stieve, Friedrich.* Iswolski und der Weltkrieg. Pp. 269. Berlin: Deutsche Verlagsgesellschaft für Politik u. Geschichte.

*Stoyanovsky.* La théorie générale des mandats internationaux. Pp. 254. Paris: Les Presses Universitaires.

*Vergé, Armand.* La bataille des réparations, 1919-1924. Paris: Dunod.

*Waller, Bolton C.* Ireland and the league of nations. Pp. 75. Dublin: Talbot Press.

*Webster, C. K.* The foreign policy of Castlereagh, 1815-1822. Pp. xiv + 598. London: Bell.

*Whelpley, J. D.* Reconstruction. Pp. 383. N. Y.: Funk & Wagnalls.

*Wolff, Theodor.* Das Vorspiel. Pp. 304. Munich: Verlag für Kulturpolitik.

*Yvon.* La guerre aérienne. Pp. 124. Paris: Orbem.

#### Articles

**Aerial Warfare.** Guerre aérienne et population civile. *N. Sloutski.* La Grande Rev. Sept., 1924.

**Alsace-Lorraine.** Étude pour les agitateurs d'Alsace et Lorraine. Derniers aspects du programme allemand pendant la guerre. *Jules Duhem.* La Grande Rev. Oct., 1924.

**American Foreign Policy.** M. Frank Kellog, secrétaire d'état, et la nouvelle orientation de la politique américain. *Georges Lechartier.* Le Correspondant. Feb. 25, 1925.

———. The president, the secretary of state and Senator Borah. Round Table. Mar., 1925.

———. When Washington tried isolation. *William E. Dodd.* Am. Mercury. Mar., 1925.

**Anglo-German Relations.** England und Deutschland. *Robert Dell.* Neue Rundschau. Nov., 1924.

**Arbitration.** Arbitrage et justice. *Philip Marshall Brown.* Rev. Droit Int. et Légis. Comp. No. 4-5, 1924.

**Armenia.** La cause arménienne (lettres inédites). *Jean Jaurès et Anatole France.* Nouvelle Rev. Jan. 1, 1925.

**Balkans.** Südslawien und Europa. *Hermann Wendell*. Sozialistische Monatshefte. No. 12, 1924.

———. Die Irredenta des Balkans. *E. von Massow*. Deutsche Rundschau. Jan., 1925.

**British Foreign Policy.** La politica europea di Chamberlain. *Ignotus*. Politica. Nov.-Dec., 1924.

———. Mr. Chamberlain at the foreign office. *Hugh F. Spender*. Fort. Rev. Feb., 1925.

**Caribbean.** Results of American rule in the Caribbean. *Gardner L. Harding*. Current Hist. Mar., 1925.

**China.** Treaty relations between China and Great Britain (*concluded*). *Ching-lin Hsia*. The most-favored-nation clause in China's treaties. *V. S. Phen*. Chinese Soc. and Pol. Sci. Rev. Oct., 1924; Jan., 1925.

**Conscription of Property.** An American plan for peace. *Sisley Huddleston*. Atlan. M. Feb., 1925.

**Corfu.** L'interprétation du pacte au lendemain du différend italo-grec (2<sup>e</sup> partie). *Charles De Visscher*. Rev. Droit Int. et Légis. Comp. No. 4-5, 1924.

**Danzig and Memel.** Danzig and Memel—danger spots of Europe. *Robert Macbray*. Current Hist. Mar., 1925.

**Diplomacy.** La riforma del contenzioso diplomatico. *A. Giannini*. Rivista Diritto Int. Oct., 1924.

———. Souvenirs de mon ambassade à Vienne. *C<sup>te</sup> de Sainte-Aulaire*. Rev. de Paris. Dec. 15, 1924.

———. The navy as an effective agency in diplomacy. *W. A. McLaren*. Current Hist. Jan., 1925.

———. Mémoires. IV. Débuts dans la diplomatie. *Duc de Broglie*. Rev. Deux Mondes. Feb. 1, 1925.

**Disarmament.** Les bases de la défense nationale. *J. M. Bourget*. Rev. de Paris. Dec. 1, 1924.

———. The navy in the limelight. *Archibald Hurd*. Fort. Rev. Jan.

**Domestic Questions.** The scope of domestic questions in international law. *C. G. Fenwick*. Am. Jour. Int. Law. Jan., 1925.

**Egypt.** La question du khalifat et les ulema d'Egypte. *Du Perron*. Rev. Pol. et Parl. Dec., 1924.

———. England and Egypt: the rights and wrongs. *Henry W. Nevins*. Nation. Dec. 24, 1924.

———. Larger aspects of the Egyptian question. *Sir Valentine Chirol*. Quar. Rev. Jan., 1925.

———. Egypt for the Egyptians. *Anon.* Fort. Rev. Jan., 1925.

———. Ägyptisk Politik. *Arthur Christensen*. Gads Danske Mag. Jan., 1925.

———. The Egyptian situation. *Lord Edward Gleichen*. The water supply of Egypt and the Sudan. *J. I. Craig*. Contemp. Rev. Jan., Feb., 1925.

———. Britain's reassertion of authority in Egypt. *A. H. Lybyer*. Egypt's claim to the Sudan. *An Egyptian Publicist*. Current Hist. Jan., Feb., 1925.

———. Our difficulties with Egypt. *P. G. Elgood*. Nine. Cent. Feb.

———. Independence or civilization? *H. H. Powers*. Atlan. M. Feb.

**Entente.** France et Grande-Bretagne. *André Chaumeix*. Rev. de Paris. Dec. 15, 1924.

Europe. Ce que pense la jeunesse européenne. I. Pologne. *J. Soltan*. Rev. Sci. Pol. Oct.-Dec., 1924.

———. Europe's best year. *Frank H. Simonds*. Rev. of Revs. Jan.

———. The decay of Europe. *E. J. Dillon*. Quar. Rev. Jan., 1925.

———. At the European switchboard. *Charles Edward Russell*. Century. Feb., 1925.

———. Europa nu. *Georg Brandes*. Tilskueren. Feb., 1925.

Extraterritoriality. The extraterritoriality problem. *Jean Escarra*. China Law Rev. July, Oct., 1924.

———. L'abolizione delle capitolazioni in Turchia. I. II. *Pierluigi La Terza*. Politica. Sept.-Oct., Nov.-Dec., 1924.

Far East. The situation in the far east. *Robert Machray*. Fort. Rev. Jan., 1925.

———. Cause and effect in far eastern politics. *Lord Teignmouth*. Nine. Cent. Jan., 1925.

Franco-German Relations. L'avenir des relations franco-allemandes. *Ambroise Got*. Mercure de France. Jan. 1, 1925.

———. Probleme der deutschfranzösischen Verständigung. *Adolf Reichwein*. Sozialistische Monatshefte. No. 1, 1925.

———. France and Germany—the supreme question. *Frank H. Simonds*. Rev. of Revs. Mar., 1925.

Freedom of the Seas. The freedom of the seas. *Holford Knight*. Fort. Rev. Feb., 1925.

Gas Warfare. Chemistry and peace. *J. B. S. Haldane*. Atlan. M. Jan., 1925.

Geneva Protocol. Ideologia e pratica della pace coatta. Il protocollo di Ginevra e l'Italia. *Francesco Coppola*. Politica. Sept.-Oct., 1924.

———. La 5<sup>e</sup> assemblée de la société des nations: le problème du désarmement. *Pacificus*. La Grande Rev. Nov., 1924.

———. I. The British commonwealth, the protocol and the league. II. The Geneva protocol: an analysis. III. Europe, the covenant and the protocol. Round Table. Dec., 1924, Mar., 1925.

———. The Geneva protocol. *Lord Parmoor*. Contemp. Rev. Jan., 1925.

———. The Geneva protocol. *W. Alison Phillips*. Edin. Rev. Jan., 1925.

———. Geneva protocol as it affects the Monroe doctrine. *Francisco Garcia Calderon*. Current Hist. Jan., 1925.

———. The Geneva protocol for the pacific settlement of international disputes. *James W. Garner*. Am. Jour. Int. Law. Jan., 1925.

———. The protocol. *Sir Reginald Bacon*. Nine. Cent. Feb., 1925.

———. Le problème de la sécurité. *André Chaumeix*. Rev. de Paris. Feb. 15, 1925.

———. The principles of the protocol. *A Student of Foreign Affairs*. (Manchester Guardian) Liv. Age. Mar. 14, 1925.

German Expansion. Le problème de l'expansion allemande et l'émigration. *Ambroise Got*. Mercure de France. Nov. 15, 1924.

———. Überseedutsche. *Lene Wenck, Hermann Luft, u. andere*. Süd-deutsche Monatshefte. Feb., 1925.

International Court of Justice. The permanent court of international justice. *Judson C. Welliver*. Rev. of Revs. Jan., 1925.

**International Court of Justice.** The third year of the permanent court of international justice. *Manley O. Hudson.* Am. Jour. Int. Law. Jan., 1925.

———. La cour permanente de justice internationale et les intérêts privés. *M. Travers.* Jour. Droit Int. Jan.-Feb., 1925.

———. The permanent court of international justice. I. II. *Antonio S. de Bustamante y Sirven.* (Translated from the French by *John Donald Robb* and *Raymond Harper.*) Minn. Law Rev. Jan., Feb., 1925.

**International Finance.** The political aspect of international finance in Russia and China. *L. L. T'ang* and *M. S. Miller.* Economica. Mar., 1925.

———. Problems of foreign capital in China. *J. V. A. MacMurray.* Foreign Affairs. Apr., 1925.

**International Labor Organization.** La procedura di votazione dei progetti di convenzione nella conferenza internazionale del lavoro. *T. Perassi.* Rivista Diritto Int. Oct., 1924.

———. International labour organization. *P. E. Henry.* Chinese Soc. and Pol. Sci. Rev. Jan., 1925.

**International Law.** Völkerrecht und Staatsrecht. *Leo Wittmayer.* Zeitschrift für Völkerrecht. No. 1, 1924.

———. Prospective development of international law. *Bruce Williams.* Va. Law Rev. Jan., 1925.

———. Enforcement of international law in the United States. *Charles Pergler.* Central Law Jour. Jan. 20, 1925.

———. The outlook for the development of international law. *Manley O. Hudson.* Am. Bar Assoc. Jour. Feb., 1925.

———. Elihu Root's services to international law. *James Brown Scott.* Int. Conciliation. Feb., 1925.

**Italy and France.** Le Garibaldisme et la France. *Ange Morre.* Nouvelle Rev. Mar. 1, 1925.

**Japanese Question.** Acute Japanese problem in South America. *Genaro Arbaiza.* Current Hist. Feb., 1925.

———. War with Japan: what shall we get out of it? *Charles A. Beard.* Nation. Mar. 25, 1925.

**Law of War.** A spy under the common law of war. *Wade Millis.* Am. Bar Assoc. Jour. Mar., 1925.

**Lausanne Treaty.** The American treaty of Lausanne. *Edgar W. Turlington.* World Peace Foundation Pamphlets. Vol. VII, no. 10 (1924).

**League of Nations.** La V assemblea della societa delle nazioni. *Amedeo Ponzzone.* Politica. Sept.-Oct., 1924.

———. Les précédents de l'emprunt accordé par la société des nations à l'Autriche. *Henri Hajnal.* Rev. Droit. Int. et Légis. Comp. No. 4-5, 1924.

———. L'organisation des communications et du transit et la société des nations. *G. Ripert.* L'énergie hydro-électrique et la société des nations. *A. Mestre.* Le problème des doubles impôts devant la société des nations et la chambre de commerce internationale. *R. Picard.* Jour. Droit Int. Jan.-Feb., 1925.

———. Why America should not join the league of nations. *Edward C. Stokes.* Hist. Outlook. Feb., 1925.

———. Greece and the refugees from Asia Minor. *Violet R. Markham.* Fort. Rev. Feb., 1925.

**League of Nations.** The league and the danger spots. *Sisley Huddleston*. New Repub. Feb. 18, 1925.

**Mandates.** Die Entwicklung des Mandatsystems. *Moritz Bileski*. Zeitschrift für Völkerrecht. No. 1, 1924.

———. De la nationalité des habitants des pays à mandat de la société des nations. *P. Lampué*. Jour. Droit Int. Jan.-Feb., 1925.

———. The mandatory system after five years' working. *J. H. Harris*. Contemp. Rev. Feb., 1925.

———. Seven years of history in new Palestine. "*Xenophon*." Current Hist. Mar., 1925.

**Maritime Flag.** Das Recht des Binnenstaates auf Flaggenführung zur See. *J. Spiropoulos*. Zeitschrift für Völkerrecht. No. 1, 1924.

**Minorities.** Staatsgewalt und nationale Minderheit. *Georg Lenz*. Zeitschrift gesamte Staatswissenschaft. No. 3/4, 1924.

———. La protection des minorités. *J. Fouques-Duparc*. Rev. Droit Int. et Légis. Comp. No. 4-5, 1924.

**Mixed Claims Commission.** The opinions of the mixed claims commission, United States and Germany. *Edwin M. Borchard*. Am. Jour. Int. Law. Jan.

———. Work of the mixed claims commission. *Karl von Lewinski*. Am. Bar Assoc. Jour. Mar., 1925.

**Monroe Doctrine.** The Monroe doctrine. *Charles C. Thach*. Am. Mercury Feb., 1925.

**Morocco.** Marocco e Mediterraneo. *Ferdinando Nobili Massuero*. Politica. Nov.-Dec., 1924.

———. Nouveaux problèmes marocains. *Henry Bidou*. Rev. Deux Mondes. Feb. 1, 1925.

**Opium Traffic.** Millions of orientals under the yoke of drugs. *K. K. Kawakami*. The opium conflict at Geneva. *R. McE*. Fixing the blame for the opium evil. *W. H. Graham Aspland*. Current Hist. Jan., Mar., 1925.

**Outlawry of War.** How to end war. *William E. Borah*. Nation. Dec. 31.

———. The outlawry of war. *Quincy Wright*. Am. Jour. Int. Law. Jan.

———. Outlawry of War. *William E. Borah*. Hist. Outlook. Feb., 1925.

———. Plans and protocols to end war. *James T. Shotwell*. Int. Conciliation. Mar., 1925.

**Pacific.** Portents in the Pacific. *Sir Herbert Russell*. (Hibbert Jour.) Liv. Age. Mar. 7, 1925.

**Pan-Americanism.** The meaning of pan-Americanism. *Joseph B. Lockey*. Am. Jour. Int. Law. Jan., 1925.

**Persia.** Persia the victim of Russo-British rivalry. *Louis Fischer*. Current Hist. Feb., 1925.

**Piracy.** Is the crime of piracy obsolete? *Edwin D. Dickinson*. Harvard Law Rev. Jan., 1925.

**Plebiscite.** Zur geschichtlichen Entwicklung des Optionsrecht. *Walther Schoenborn*. Zeitschrift für Völkerrecht. No. 1, 1924.

**Political Questions.** International political questions in the national courts. *Edwin D. Dickinson*. Am. Jour. Int. Law. Jan., 1925.

**Prisoners of War.** Les français en Angleterre sous le premier empire: les prisonniers de guerre sur parole dans le centre de l'Angleterre (1803-1815). II.

III. IV. V. VI. *Alfred de Curzon*. *Nouvelle Rev.* Jan. 1, 15, Feb. 1, 15, Mar. 1, 1925.

Recognition. The Central American policy of non-recognition. *Chandler P. Anderson*. *Am. Jour. Int. Law.* Jan., 1925.

———. Recognition of new governments. *Charles Pergler*. *Central Law Jour.* Feb. 20, 1925.

Reparations. La question des réparations ou la mésentente cordiale franco-britannique. I. *H. R. Savary*. *Rev. Sci. Pol.* Oct.-Dec., 1924.

———. The Dawes reparations plan: its guiding principles and the manner of its adoption. *Owen D. Young*. *Econ. World.* Dec. 20, 1924.

———. The European recovery, the Dawes plan, the inter-allied debts, and their relationship to American price levels. *Thomas W. Lamont and others*. *Proc. Acad. Pol. Sci.* Jan., 1925.

———. American claims and German reparations. *Joseph Conrad Fehr*. *Rev. of Revs.* Jan., 1925.

———. La conférence de Paris. *André Chaumeix*. *Rev. de Paris.* Jan. 15, 1925.

———. America's share in the Dawes plan (with text of the Dawes annuities agreement). *Robert McElroy*. *Current Hist.* Mar., 1925.

Rhine. The new era in the Rhineland. *W. Gladys Rinder*. *Contemp. Rev.* Jan., 1925.

———. L'échec du séparatisme rhénan. I. II. *Guy de Traversay*. *Rev. Deux Mondes.* Jan. 15, Feb. 1, 1925.

———. The Rhineland movement. *Hans A. Dörten*. *Foreign Affairs.* Apr., 1925.

River Administration. Die Rechtsverhältnisse der internationalen Ströme auf Grund der Friedensverträge. *Alfred Lederle*. *Zeitschrift für Völkerrecht.* No. 1, 1924.

———. Étude de droit international privé fluvial. *J. P. Niboyet*. *Rev. Droit Int. et Légis. Comp.* No. 4-5, 1924.

Russia. La reconnaissance des soviets et l'émigration russe. *B. Nikitine*. *Rev. Sci. Pol.* Oct.-Dec., 1924.

———. Léonide Krassine, ambassadeur de l'U. R. S. S. *Eugène Seménoff*. *La Grande Rev.* Dec., 1924.

———. The recognition of soviet Russia. *E. A. Harriman*. *Boston Univ. Law Rev.* Jan., 1925.

———. Soviet Russia's expansion in central Asia. *L. J. Lewery*. *Current Hist.* Jan., 1925.

———. L'utile contact entre Paris et Moscou. *Jules Moch*. *Rev. Mondiale.* Mar. 1, 1925.

Saar. Harmonious adjustments in the Sarre. *John Bell*. *Current Hist.* Jan., 1925.

Sea Power. Havet i Nutidens Udenrigspolitik. *Cai Schaffalitzky de Muckadell*. *Gads Danske Mag.* Mar., 1925.

———. Insular America. *William Howard Gardiner*. *Yale Rev.* Apr.

Sovereign Immunity. Private claims against foreign sovereigns. *Alfred Hayes*. *Harvard Law Rev.* Mar., 1925.

**Sovereignty.** Limitations on national sovereignty in international relations. *James W. Garner.* Am. Pol. Sci. Rev. Feb., 1925.

**State Succession.** Kritik der Gebiets-theorien. *Walter Henrich.* Zeitschrift für Völkerrecht. No. 1, 1924.

**Three Mile Limit.** La mer territoriale. *J. Paulus.* Rev. Droit Int. et Légis. Comp. No. 4-5, 1924.

**Treaties.** De la nature juridique des traités internationaux et du sens de la distinction des traités-lois et des traités-contrats. *Marc Réglade.* Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1924.

———. La sanction du droit des gens et la force obligatoire des traités. *J. Whitta Stinson.* Rev. Droit Int. et Légis. Comp. No. 4-5, 1924.

**Tyrol.** The iron hand of Italy over German Tyrol. *Lilian Frobenius-Eagle.* Current Hist. Feb., 1925.

**War Crimes.** War crimes. *Elbridge Colby.* Mich. Law Rev. Mar., 1925.

**War Debts.** War debts. "Augur." Fort Rev. Jan., 1925.

———. Le règlement des dettes interalliées. *Maurice Alfassa.* Nouvelle Rev. Jan. 1, 1925.

———. Du plan Dawes aux dettes interalliées. *C. J. Gignoux.* Mercure de France. Jan. 15, 1925.

———. Debts and evacuation. *Frank H. Simonds.* Rev. of Revs. Feb.

———. Making war loans to the allies. *Albert Rathbone.* Foreign Affairs. Apr., 1925.

**World Peace.** Steps toward preserving peace. *Elihu Root.* Foreign Affairs. Apr., 1925.

**World War.** Die englisch-russischen Verhandlungen von 1914 über den Abschluss einer Marinekonvention. *August Bach.* Serajewo. Fritz Kern. Preuss. Jahrbücher. Aug., Sept., 1924.

———. Les conséquences sociales de la guerre. *V<sup>te</sup> Georges D'Avenel.* Rev. Deux Mondes. Nov. 15, 1924.

———. L'opinion allemande sur la responsabilité de la guerre. *Raoul Patry.* Rev. Pol et Parl. Dec., 1924.

———. Unser österreichisch-ungarischer Bundesgenosse im Weltkrieg. *Franz Frhr. von Berchem.* Der Türmer. Jan., 1925.

———. Kriegsministerium und ungenügende Rüstung im Jahre 1914. *Dr. Herzfeld.* Deutsche Rundschau. Jan., 1925.

———. Fresh light on the Serajevo crime. *M. Edith Durham.* Contemp. Rev. Jan., 1925.

———. War responsibility in 1914 and to-day. *Emile Cammaerts.* Edin. Rev. Jan., 1925.

———. The ex-kaiser's denial of war guilt answered. *Robert Lansing.* The martyrdom of Count Stephen Tisza (with documents). *Ernest Ludwig.* Current Hist. Jan., 1925.

———. Could T. R. have stopped the war? *Tyler Dennett.* World's Work. Feb., 1925.

———. The great war and the aftermath. I. II. *Bernard Shaw and Archibald Henderson.* Fort. Rev. Jan., Feb., 1925.

———. The murder at Serajevo. *R. W. Seton-Watson.* Foreign Affairs. Apr., 1925.

## JURISPRUDENCE

*Books*

*Aramburo, Mariano.* Filosofía del derecho. N. Y.: Instituto de las Españas.  
*Binder, Julius.* Philosophie des Rechts. Pp. liii + 1063. Berlin: Georg  
 Stilke.

*Boulaïs, Le P. Guy.* Manuel du code chinois. Shanghai: Roman Catholic  
 Press.

*Chafee, Zechariah.* Cases on equitable relief against torts. Pp. viii + 522.  
 Cambridge: the Editor.

*Cobeñas, Castán.* Derecho civil español, común y foral. Pp. 893. Madrid:  
 Edit. Reus.

*Cook, Walter Wheeler.* Cases and other authorities on equity. Vol. 3. Pp.  
 xix + 1048. St. Paul: West Pub. Co.

*Duguil, Léon.* El pragmatismo jurídico. Pp. 116. Madrid: Francisco,  
 Beltran.

*Escudero, Otto.* Elementos de derecho civil aragonés. Pp. 202. Madrid:  
 Edit. Reus.

*Foignet, René.* Manuel élémentaire de droit civil. T. 2. Pp. 795. Paris:  
 Rousseau.

*Gény, F.* Science et technique en droit privé positif. Nouvelle contribution  
 à la critique de la méthode juridique (Quatrième et dernière partie). Pp. xxix  
 + 265. Paris: Tenin.

*Gutiérrez de Celis, Santiago.* Cuestiones de derecho positivo. Pp. 512.  
 Habana: R. Veloso.

*Hartland, E. Sidney.* Primitive law. Pp. 222. London: Methuen.

*Jones, James Edmund.* Pioneer crimes and punishments in Toronto and  
 the home district. Pp. xvi + 195. Toronto: George N. Morang.

*Kraft, Julius.* Die Methode der Rechtstheorie in der Schule von Kant  
 und Fries. Pp. viii + 175. Berlin: Walther Rothschild.

*Kuhn, A. K.* Principes de droit anglo-américain. Droit privé et procédure.  
 . . . comparés avec quelques systèmes en vigueur sur le continent européen.  
 Pp. xv + 360. Paris: Pichon et Durand-Auzias.

*McConnell, William J.* Frontier law. World Book Co.

*May, Gaston.* Introduction à la science du droit. Pp. vi + 194. Paris:  
 Giard.

*Members of the Bar.* An analytical digest of cases decided in the supreme  
 courts of Scotland. Pp. 1,583. Glasgow: Wm. Hodge.

*Möller, Heinr. A., and Wolff, Harry,* eds. Handbook of foreign legal pro-  
 cedure. Legal relations in Europe, 1924. Pp. 498. London: Stevens.

*Patouillet, Jules, et Dufour, Raoul.* Les codes de la Russie soviétique. T.  
 1<sup>re</sup>. Code de la famille, code civil. Pp. xvi + 260. Paris: Giard.

*Pillai, K. Subrahmaniam.* Principles of criminology. Pp. xii + 714 + xviii  
 + 6. Madras.

*Planitz, Hans,* Herausgeber. Die Rechtswissenschaft der Gegenwart in  
 Selbstdarstellung. Leipzig: Felix Meiner.

*Richardson, J. B.* The law of distress. Pp. xlv + 188. London: Benn.



## Articles

**Adaptability of Law.** Adaptation of the law to changing economic conditions. *William Draper Lewis*. Am. Bar Assoc. Jour. Jan., 1925.

**Admiralty Law.** Uniformity in the maritime law of the United States. I. *Austin Tappan Wright*. Will admiralty face the facts? *B. S. M. Pa. Law Rev.* Jan., 1925.

———. Jurisdiction over foreigners in admiralty courts. *Hobart Coffey*. Calif. Law Rev. Jan., 1925.

**Alienist.** The alienist in court. *Joseph Collins*. Harper's. Feb., 1925.

**Arbitration.** The United States arbitration law and its application. *Committee on Commerce, Trade and Commercial Law*. Am. Bar Assoc. Jour. Mar.

**Authority.** Probative force of authoritative law works. *Borris M. Komar*. Boston Univ. Law Rev. Jan., 1925.

**Canadian Statute Law.** Noteworthy changes in statute law. *R. W. Shannon*. Canadian Bar Rev. Feb., 1925.

**Case Law.** Case law and the European codified law. *Hans Sperl*. Ill. Law Rev. Mar., 1925.

**Civil Procedure.** The simplification of civil practice in New York. V. *Jay Leo Rothschild*. Columbia Law Rev. Jan., 1925.

**Common Law.** Custom and the common law in Kent. *N. Neilson*. Harvard Law Rev. Feb., 1925.

**Conflict of Laws.** American divorces in France and their validity in United States. *Charles F. Beach*. Am. Bar Assoc. Jour. Jan., 1925.

———. La société des nations et le développement du droit international privé. *A. Weiss*. Jour. Droit Int. Jan.-Feb., 1925.

**Criminal Law.** The administration of criminal law in Flanders, chiefly in the fifteenth century. *Malcolm Letts*. Law Quar. Rev. Jan., 1925.

———. Crime and punishment. *Horace J. Bridges* and *Clarence Darrow*. Century. Mar., 1925.

**Industrial Law.** The place of industrial law in English jurisprudence. *Sir Henry Slessor*. Economica. Mar., 1925.

**Judicial Decision.** Legislation and judicial decision. *Rudolf Stammier*. Mich. Law Rev. Feb., 1925.

**Judicial Process.** Caveat emptor and the judicial process. *John Barker Waite*. Columbia Law Rev. Feb., 1925.

**Jury trial.** Trial by jury an ineffective survival. *Bruce G. Seville*. Am. Law Rev. Jan.-Feb., 1925.

**Law and Equity.** The union of law and equity. *Charles E. Clark*. Columbia Law Rev. Jan., 1925.

**Legal Conceptions.** Hohfeld on jurisprudence. *H. J. Randall*. Law Quar. Rev. Jan., 1925.

———. Attribution of physical qualities to legal relations. I. II. *Albert Kocourek*. Ill. Law Rev. Feb., Mar., 1925.

**Legal Ethics.** Problems of professional ethics. III. IV. *Henry Upson Sims*. Am. Bar Assoc. Jour. Jan., Feb., 1925.

**Legal Fictions.** Fictions in systems of law. *J. F. Davison*. China Law Rev. Oct., 1924.

**Manchu Law.** The legal system of the Manchu dynasty. *K. Tung.* China Law Rev. Oct., 1924.

**Philosophy of Law.** Zur Theorie der Rechtskraft. *Walter Henrich.* Archiv Öffent. Rechts. No. 3, 1924.

———. Die Bedeutung der Rechtspsychologie für die moderne Rechtsfindung. *Karl Haff.* Vom Dürfen und Sollen und vom Wesen des Rechts. *Hans Eichler.* Archiv Rechts-u. Wirtschaftsphilosophie. Vol. 18, no. 2.

**Precedent.** The authority of decided cases. *P. B. Mignault.* Canadian Bar Rev. Jan., 1925.

**Public Service.** Organizing the bar for public service. *Herbert Harley.* Ore. Law Rev. Dec., 1924.

———. The lawyer as an officer of the court. *E. W. Timberlake, Jr.* Va. Law Rev. Feb., 1925.

**Reporting.** The art of judicial reporting. *Alden I. Rosbrook.* Cornell Law Quar. Feb., 1925.

**Rights.** The foundations of a theory of rights. *Sir Paul Vinogradoff.* Va. Law Register. Dec., 1924.

**Roman Law.** Las acciones arbitrarias en el derecho romano. *Julián Carlón Hurtado.* Rev. Gen. Legis. y Juris. Jan., 1925.

———. Fundamental concepts of the Roman law. IV. *Max Radin.* Calif. Law Rev. Jan., 1925.

## LOCAL GOVERNMENT

### Books

*Arnoux, V., et Rome, A.* Nouveau code des municipalités. Pp. 300. Paris: J. Rey.

*Claudon, R.* Chemins de fer d'intérêt local et autobus. Rapports du concédant, du concessionnaire et de l'état. Situation créée par la guerre, les solutions à envisager. Pp. 252. Blois: grande imp. de Blois.

*Corti, Ugo.* Il problema della finanza locale. Roma: Associazione Comuni Italiani.

*Folsom, Joseph F., and others,* eds. The municipalities of Essex county, New Jersey, 1666-1924. 4 vols. N. Y.: Lewis Hist. Pub. Co.

*Gardiner, A. G.* John Benn and the progressive movement. London: Benn.

*Glasspool, Alfred John.* The corporation of the city of London: its ceremonies and importance. Pp. 92. London: Effingham Wilson.

*Greenfield, Albert M.* Zoning code for Baltimore Pp. xvii + 167. Baltimore: H. E. Houck & Co.

*Howard, William Travis.* Public health administration and the natural history of disease in Baltimore, 1797-1920. Washington: Carnegie Institution.

*Lemoine, Henri.* Manuel d'histoire de Paris. Paris: Albin Michel.

*Tait, James,* ed. Taxation in Salford hundred, 1524-1802. Pp. xl + 188. Manchester: Chetham Society.

*Wright, Joseph.* Selected readings in municipal problems. Pp. 979. Boston: Ginn.

## Articles

**American City Government.** Municipal government in the United States: some impressions. *I. G. Gibbon*. *Nat. Mun. Rev.* Feb., 1925.

**Assessment.** Advantages of standardized assessments. *John A. Zangerle*. *Am. City.* Feb., 1925.

**Baltic Cities.** Cities of the Baltic. *A. MacCallum Scott*. *Contemp. Rev.* Jan., 1925.

**Business Regulation.** How far may a municipal corporation go in regulating the conduct of a business? *C. W. R., II.* *Va. Law Rev.* Jan., 1925.

**Central Supervision.** The relation of central to local government. *Sir John Anderson*. *Jour. Pub. Admin.* Jan., 1925.

———. The Indiana scheme of central supervision of local expenditures. *Philip Zoercher*. *Nat. Mun. Rev.* Feb., 1925.

**City Manager.** The city manager in the United States. *I. G. Gibbon*. *Jour. Pub. Admin.* Jan., 1925.

———. Why Cincinnati voted for P. R. and a city manager. *Henry Bentley*. What one small city has done. *Nestor Light*. *Nat. Mun. Rev.* Feb., 1925.

**City Planning.** City planning in Tennessee. *Wassell Randolph*. *Tenn. Law Rev.* Nov., 1924.

———. The preservation of the integrity of the city plan. *Edward M. Bassett* and *Frank B. Williams*. *Nat. Mun. Rev.* Mar., 1925.

———. Zoning and platting supervision as fundamentals to city planning. *Lawrence M. Orton*. *Am. City.* Mar., 1925.

**Civic Education.** The place of politics, civic education and science in city government. *Charles E. Merriam*. *Am. City.* Feb., 1925.

**County Government.** Ex-delicto liability of counties in Iowa. *Buell McCash*. *Ia. Law Bull.* Nov., 1924.

———. Historical background of the county in Iowa. *Ivan L. Pollock*. *Ia. Jour. Hist. and Pol.* Jan., 1925.

———. County government in North Carolina. *A. C. McIntosh*. County government in the southwest. *Harry A. Barth*. *Nat. Mun. Rev.* Feb., Mar., 1925.

**English Counties.** The dates of early county elections. *J. J. Alexander*. *Eng. Hist. Rev.* Jan., 1925.

**Housing.** A new venture in housing. *Clarence S. Stein*. *Am. City.* Mar., 1925.

**London.** The rebuilding of London. *E. Beresford Chancellor*. *Fort. Rev.* Jan., 1925.

———. The growth of London. *Arthur G. B. West*. *Edin. Rev.* Jan.

———. Public health services of London. *O. E. Warburgh*. *Jour. Pub. Admin.* Jan., 1925.

**Milwaukee.** Milwaukee's proposed service-at-cost franchise. *W. H. Malbie*. *Nat. Mun. Rev.* Jan., 1925.

**Municipal Research.** A substitute for the questionnaire. *C. A. Crosser*. *Nat. Mun. Rev.* Mar., 1925.

**Oriental City Government.** American influence on municipal government in the orient. *Charles A. Beard*. *Nat. Mun. Rev.* Jan., 1925.

**Police.** Woman's place in the police department. *Mary E. Hamilton.* Am. City. Feb., 1925.

**Portland.** Problem of government simplification in Portland, Oregon. *C. C. Ludwig.* Nat. Mun. Rev. Jan., 1925.

**Public and Private Functions.** Distinction between governmental and proprietary functions of municipal corporations. *Delmar W. Doddridge.* Mich. Law Rev. Feb., 1925.

**Recreation.** Recreation in small towns. *Weaver Pangburn.* Nat. Mun. Rev. Mar., 1925.

**Smoke Abatement.** Smoke abatement, sunlight and health. *John B. C. Kershaw.* Fort. Rev. Feb., 1925.

**Street Railways.** The rehabilitation of a street railway. *J. A. Estey.* Nat. Mun. Rev. Jan., 1925.

**Suburbs.** The pro and con of annexation of suburbs. *Erwin N. Griswold.* Nat. Mun. Rev. Feb., 1925.

**Traffic Problem.** Enforcement of traffic regulations through a police traffic bureau. *Lewis W. McIntyre.* Am. City. Feb., 1925.

———. Handling traffic violations out of court. *S. E. Rose.* Nat. Mun. Rev. Mar., 1925.

**Washington.** Mirroring Washington. *Clinton W. Gilbert.* Current Hist. Mar., 1925.

**Water Supply.** Water-supply statistics for municipalities of less than 5,000 population. Am. City. Feb., 1925.

**Zoning.** Objections to zoning considered. *Thomas Adams.* Nat. Mun. Rev. Feb., 1925.

## POLITICAL THEORY AND MISCELLANEOUS

### Books

*Abbott, Wilbur C.* The new barbarians. Little, Brown & Co.

*Amendola, Giovanni.* La democrazia. Milano: Ed. Corbaccio.

*André, Marius.* Bolivar et la démocratie. Pp. 300. Paris: Editions Excelsior.

*Arnauld, Bouteloup, Jeanne.* Le rôle politique de Marie-Antoinette. Pp. 377. Paris: Édouard Champion.

*Bilton, E.* Taxation and currency. Pp. 112. London: Daniel.

*Bloch, Marc.* Les rois thaumaturges. Étude sur le caractère surnaturel attribué à la puissance royale, particulièrement en France et en Angleterre. Pp. vii + 542. Paris: Istra.

*Bodelsen, C. A.* Studies of mid-Victorian imperialism. Knopf.

*Bouglé, C.* Le solidarisme. (Nouvelle éd.) Pp. 200. Paris: Giard.

*Box, Pelham H.* Three master-builders and another: studies in modern revolutionary and liberal statesmanship. Pp. 396. London: Jarrolds.

*Chittick, V. L. O.* Thomas Chandler Haliburton ("Sam Slick"): a study in provincial toryism. Pp. x + 695. Columbia Univ. Press.

*Cooke, Morris Llewellyn,* ed. Giant power: large scale electrical development as a social factor. Pp. xii + 177. Ann. Am. Acad. Mar., 1925.

- Dawson, Samuel Arthur.* Freedom of the press. Columbia Univ. Press.
- Deslinières, Lucien.* Delivrons-nous du marxisme. Pp. xxi + 222. Paris: France éd.
- Donati, Donato.* Stato e territorio. Pp. xv + 333. Rome: Athenaeum.
- Hadley, Arthur T.* The conflict between liberty and equality. Houghton Mifflin.
- Henderson, Fred.* The case for socialism. Pp. 144. London: Ind. Labour Press.
- Hurd, Archibald.* State socialism in practice. London: Philip Allan.
- Joad, C. E. M.* Introduction to modern political theory. Pp. 127. Oxford: Clarendon Press.
- Langshaw, Harold.* Socialism and the historic function of liberalism. Pp. 182. London: Palmer.
- Leroy, Maxime.* Le socialisme du producteur. Henri de Saint-Simon. Pp. 195. Paris: Rivière.
- MacLeod, William C.* The origin of the state, reconsidered in the light of the data of aboriginal North America. Pp. 109. Philadelphia.
- Peck, Harvey W.* Taxation and welfare. Pp. 276. Macmillan.
- Philip, André.* Guild-socialisme et trade-unionisme. Quelques aspects nouveaux du mouvement ouvrier anglais. Pp. 420. Paris: Les Presses Universitaires.
- Rait, Robert S., ed.* Memorials of Albert Venn Dicey: being chiefly letters and diaries. Pp. 304. London: Macmillan.
- Reminiscences written by Mr. Horace Walpole in 1788. Oxford: Clarendon Press.
- Sanford, Hugh W.* The business of life. 2 vols. Oxford Univ. Press.
- Seligman, Edwin R. A.* The economic interpretation of history. (Second ed. rev.) Pp. ix + 166. Columbia Univ. Press.
- Shadwell, Arthur.* The socialist movement. 2 vols. London: Philip Allan.
- Stamp, Sir Josiah.* Studies in current problems in finance and government. Pp. vii + 342. London: King.
- Valyi, Felix.* Spiritual and political revolutions in Islam. London: Kegan Paul.
- Weber, Max.* Gesammelte Aufsätze zur Soziologie und Sozial politik. Berlin: J. C. B. Mohr.
- Webster, Nesta H.* Secret societies and subversive movements. Dutton.

#### Articles

- Anglophobia. Über Anglophilie und Anglophobie. *Carl Brinkmann.* Neue Rundschau. Nov., 1924.
- Bolshevism. Which democracy? *G. M. Godden.* Dublin Rev. Jan.-Mar.
- . The international attack on British trade unionism. *G. M. Godden.* Fort. Rev. Feb., 1925.
- . Bolchevisme et colonies. *Victor Augagneur.* Rev. Mondiale. Mar. 1, 1925.
- Christianity. An outline of Christian anti-socialism. *Marquess of Salisbury.* Nine. Cent. Feb., 1925.

**Church and State.** The immunity of church property. *Joseph Conrad Fehr.* Current Hist. Mar., 1925.

**Civics Teaching.** Method of teaching problems of democracy. *E. J. Dahl.* Teaching civics on the unit basis. *Annie E. Cannon.* Hist. Outlook. Jan.

**Communism.** Europe and communism. *John Bell.* Fort Rev. Feb., 1925.

**Currency Question.** British opinion on the gold standard. *W. F. Layton.* Monetary theory and monetary policy. *James W. Angell.* Quar. Jour. Econ. Feb., 1925.

———. The gold standard. Round Table. Mar., 1925.

———. The world's gold. *Josiah Edward Spurr.* Foreign Affairs. Apr.

**Democracy.** Higher education to safeguard democracy. *Charles F. Thwing.* Current Hist. Mar., 1925.

———. Democracy and education. *James R. Angell.* Yale Rev. Apr.

**Eminent Domain.** The right of eminent domain. *D. S. Chen.* China Law Rev. Oct., 1924.

**Grotius.** Grotius and the study of law. *C. Van Vollenhoven.* The first edition of Grotius' *De Jure Belli ac Pacis*, 1625. *Jesse S. Reeves.* Am. Jour. Int. Law. Jan., 1925.

**Historical Method.** These forty years. *Charles M. Andrews.* Am. Hist. Rev. Jan., 1925.

**Ibsen.** Ibsen's political and social ideas. *Philip G. Neserius.* Am. Pol. Sci. Rev. Feb., 1925.

**Individual Rights.** Zur Entstehungsgeschichte der nordamerikanischen Erklärungen der Menschenrechte. *Justus Hashagen.* Zeitschrift gesamte Staatswissenschaft. No. 3/4, 1924.

**Negro Problem.** Britain's negro problem in Sierra Leone. *W. E. Burghardt du Bois.* Current Hist. Feb., 1925.

———. Worlds of color. *W. E. B. Du Bois.* Foreign Affairs. Apr., 1925.

**Political Research.** Reports of the second national conference on the science of politics. *Arnold B. Hall and others.* Am. Pol. Sci. Rev. Feb., 1925.

———. The second national conference on the science of politics. *Arnold Bennett Hall.* Nat. Mun. Rev. Mar., 1925.

**Political Science.** Dynamic politics and the new history. *Harry Elmer Barnes.* Monist. Jan., 1925.

———. Political science in Great Britain and France. I. Great Britain. *Harold J. Laski.* II. France. *Maurice Caudel.* Am. Pol. Sci. Rev. Feb.

**Self-Determination.** Das Selbstbestimmungsrecht in der Geschichte. *Max Springer.* Preuss. Jahrbücher. Sept., 1924.

**Socialism.** Jean Jaurès et la doctrine de l'évolution révolutionnaire. *Henri Sée.* La Grande Rev. Nov., 1924.

———. Sozialismus, Kommunismus und Judentum. *Kuno Waltemath.* Zeitschrift gesamte Staatswissenschaft. No. 3/4, 1924.

———. Socialism and banking. *Herbert G. Williams.* Nine. Cent. Feb.

**Third International.** The tactics of the third international. *Alexei Pil-enko.* (Rev. Universelle) Liv. Age. Jan. 10, 1925.

**Women's Rights.** Women's progress in 1924. *Nancy M. Schoonmaker.* Current Hist. Jan., 1925.

## GOVERNMENT PUBLICATIONS

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## AMERICAN

## UNITED STATES

*Census bureau.* Decennial report on wealth, public debt and taxation, 1922: Assessed valuation and tax levies, 130 p.; Estimated national wealth, 34 p.; Public debt, 183 p.; Taxes collected, 157 p. Washington: Govt. Ptg. Off. 1924.

———. Electrical industries, 1922. Washington: Govt. Ptg. Off., 1925.

*Civil service commission.* Information concerning removals, reductions, suspensions, and furloughs. Washington: Govt. Ptg. Off., 1925. 8 p.

*Congress.* 68th Congress, 2d session, beginning Dec. 1, 1924, official Congressional directory. . . . Washington: Govt. Ptg. Off., 1924. 602 p.

*House of Representatives.* Bankruptcy laws of the United States. . . . Washington: Govt. Ptg. Off., 1924. 38 p.

———. Proposed amendment to article V of Constitution of United States. . . . Washington: Govt. Ptg. Off., 1925. 24 p.

———. *Election of President, Vice President, and Representatives committee.* Choice of President in event President and Vice President shall not have been elected and qualified and elimination of electoral messengers . . . hearings on H. R. 10268 and H. R. 11256. . . . Washington: Govt. Ptg. Off., 1925. 39 p.

———. *Foreign affairs committee.* Favoring membership of United States in Permanent Court of International Justice, report to accompany. H. R. 426; submitted by Mr. Burton. Feb. 24, 1925. 20 p. Hearings on H. R. 426, 91 p. Washington: Govt. Ptg. Off., 1925.

———. *Immigration and naturalization committee.* Hearings, Mar. 8, 1924, statement of Harry H. Laughlin; with appendixes including (1) text of immigration act of 1924 and proclamation of the President in connection therewith, (2) report of Rome conference on emigration and immigration, and (3) other important studies and official reports on migration problems down to Nov. 19, 1924. Washington: Govt. Ptg. Off., 1924. 1231-1437 p.

———. Japanese exclusion, study of policy and law, by John B. Trevor; submitted to committee on immigration and naturalization. . . . Washington: Govt. Ptg. Off., 1925. 84 p.

———. Proposed deportation of aliens, report to accompany H. R. 11796. . . . Washington: Govt. Ptg. Off., 1925. 32 p.

———. *Indian affairs committee.* Investigation of administration of Indian affairs in Oklahoma. . . . Washington: Govt. Ptg. Off., 1924. 500 p.

———. *Judiciary committee.* Hearing on H. J. Res. 301 (for creation of commission to prepare constitutional amendment providing for election and terms of President, Vice President, senators and representatives) . . . statement of John L. Cable. . . . Washington: Govt. Ptg. Off., 1925. 13 p.

*House of Representatives. Judiciary committee.* Equal rights amendment to Constitution, hearing on H. J. Res. 75. . . . Washington: Govt. Ptg. Off., 1925. 91 p.

———. Proposed child labor amendments to Constitution of United States, hearings. . . . Washington: Govt. Ptg. Off., 1924. 311 p.

———. *Ways and means committee.* Report to accompany H. R. 10650 to authorize settlement of indebtedness of Republic of Lithuania to United States. . . . Washington: Govt. Ptg. Off., 1924. 10 p.

———. Same . . . Poland. Washington: Govt. Ptg. Off., 1924. 10 p.

———. To extend term of World War foreign debt commission, report to accompany H. R. 9804. . . . Washington: Govt. Ptg. Off., 1924. 2 p.

*Senate.* American claims and German reparations, by Joseph Conrad Fehr. . . . Washington: Govt. Ptg. Off., 1925. 6 p.

———. Papers relating to adjustment of title to ownership of Isle of Pines. . . . Washington: Govt. Ptg. Off., 1924. 319 p.

———. Protocol for pacific settlement of international disputes, as revised by drafting committee and presented to League of Nations and there approved on Oct. 2, 1924; presented by Mr. Borah. . . . Washington: Govt. Ptg. Off., 1925. 8 p.

———. *Finance committee.* Tax-exempt securities: law articles, opinions, and letters in respect of power of Congress to tax income from state and municipal bonds, with table on tax-free v. taxable bonds. Washington: Govt. Ptg. Off., 1924. 69 p.

*Education bureau.* Citizenship and government, reading course; by George F. Zook. (Reading course 24.) Washington: Govt. Ptg. Off., 1924. 6 p.

*Labor department. Naturalization bureau.* Citizenship training of adult immigrants in United States, its status in relation to census of 1920, by Margaret D. Moore. . . . Washington: Govt. Ptg. Off., 1925. 29 p.

———. Federal textbook on citizenship training; pt. 2, Our community, lessons on community life for use in public schools by candidates for citizenship; by Lillian P. Clark. Washington: Govt. Ptg. Off., 1924. 159 p.

———. *Woman's bureau.* State laws affecting working women, hours, minimum wage, home work; by Mrs. Mildred J. Gordon. Washington: Govt. Ptg. Off., 1924. 53 p.

*Library of Congress, Catalogue division.* List of American doctoral dissertations printed in 1922; prepared by Mary Wilson MacNair. Washington: Govt. Ptg. Off., 1924. 238 p.

*Panama canal. Executive department.* Treaties. Supplement 5 to Treaties and acts of Congress relating to Panama Canal (annotated 1921). Balboa Heights, 1924. 307-311 p.

*State department.* American foreign service. . . . Washington: Govt. Ptg. Off., 1924 (imprint incorrectly given as 1923). 35 p.

———. Treaty and protocol between United States and Belgium, rights in East Africa; signed Brussels, Apr. 18, 1923 and Jan. 21, 1924; proclaimed Dec. 6, 1924. Washington: Govt. Ptg. Off., 1925. 14 p.

———. Treaty between United States and Esthonia, extradition. . . . Washington: Govt. Ptg. Off., 1924. 6 p.



———. *Mixed claims commission, United States and Germany*. Brief on behalf of United States on question of diverse nationality (reprint). Washington Govt. Ptg. Off., 1924. 15 p.

## ALABAMA

*Department of education*. School code of Alabama, compiled, annotated and indexed by James J. Mayfield, code commissioner, 1924. Montgomery, 1924. 382 p.

*Secretary of state*. Chapter 274, article 25, code of Alabama, 1923. Conditions upon which foreign corporations are permitted to do business in this state. Montgomery, 1924. 20 p.

———. Domestic corporation laws of Alabama (not including banking and insurance laws). Montgomery, 1924. 102 p.

## ARIZONA

*Secretary of state*. Initiative and referendum publicity pamphlet, 1924 . . . . Containing a copy of all the proposed amendments to the constitution referred to the people by the legislature . . . together with the arguments filed favoring and opposing certain of said measures, compiled and issued by James J. Kerby, secretary of state. Phoenix, 1924. 16 p.

## CALIFORNIA

*Board of equalization*. Revenue laws of the state of California in force on the first day of January, 1925 and citations from decisions of the Supreme and Appellate courts affecting revenue laws. . . . Sacramento, 1924. 532 p.

*Commission of immigration and housing*. State housing act of California . . . effective August 17, 1923. Sacramento, 1924. 68 p.

*Department of education*. Teaching the United States constitution and American ideals. An analysis of the law and suggestions for meeting the requirements, by W. C. Wood. . . . 1924. 8 p. (Bulletin, no. 4-a.)

*Highway commission*. Needed state and national legislation for public land states. Address of Mr. Harvey M. Toy, chairman, California Highway Commission. . . . Sacramento, 1924. 10 p.

*Secretary of state*. Amendments to constitution and proposed statutes with arguments respecting the same to be submitted to the electors of the state of California at the general election on Tuesday, November 4, 1924. . . . Sacramento, 1924. 32 p.

*Insurance department, San Francisco*. Insurance laws of the state of California . . . annotated. . . . Sacramento, 1924. 377 p.

*University of California, Berkeley*. The expansionist movement in Texas, 1836-1850, by W. C. Binkley, 1925. 253 p. (University of California Publications. History, v. 13.)

## COLORADO

*University of Colorado, Boulder*. The financing of public higher education in Colorado, by D. C. Sowers, executive secretary, Bureau of business and govern-

ment research, University extension division. 1924. 97-199 p. (University of Colorado bulletin, v. 24, no. 9.)

#### CONNECTICUT

*Tax commissioner.* Taxation document no. 209, January 1924. 12 p. no. 209. The powers and duties of boards of relief, by W. A. King.

#### ILLINOIS

*Auditor's office.* Banking law, state of Illinois. Auditor's edition. Springfield, 1924. 14 p.

*Secretary of state.* Explanation and arguments on the proposed amendment to section 2, article 14 of the Constitution of the state of Illinois. . . . Springfield, 1924. 6 p.

*University of Illinois, Urbana.* Economic aspects of southern sectionalism, 1840-1861, by Robert Royal Russell. Urbana, 1924. 325 p. (Thesis, Ph.D.)

#### INDIANA

*Board of election commissioners.* Election laws of Indiana. . . . Indianapolis, 1924. 77 p.

*Board of tax commissioners.* Inheritance tax law of Indiana in effect April 30, 1913, amendments of 1915, 1917, 1919, and 1921, with tables of rates. . . . Indianapolis, 1923. 16 p.

#### IOWA

*General assembly. Code supervising committee.* Code of Iowa, 1924. Containing all statutes of a general and permanent nature. . . . Des Moines, 1924. 1955 p.

———. File of code revision bills, containing the original code revision bills not disposed of by the fortieth General Assembly. . . . Des Moines, 1923. Various paging.

#### KANSAS

*Governor.* Message of Governor Ben S. Paulen to the legislature . . . session of 1925. Topeka, 1925. 11 p.

#### MARYLAND

*Secretary of state.* Maryland manual, 1924. A compendium of legal, historical and statistical information relating to the state of Maryland. . . . Baltimore, 1924. 411 p.

#### MASSACHUSETTS

*General court.* The State house, Boston, Massachusetts, by Ellen Mudge Burrill . . . eighth edition. . . . Boston, 1924. 166 p.

*Governor.* Address of His Excellency Alvan T. Fuller to the two branches of the legislature . . . January 8, 1925. Boston, 1925. 30 p.

*Secretary of the commonwealth.* Cumulative index of the acts and resolves of Massachusetts, 1924. . . . Complete. . . . Boston, 1924. 107 p.

———. Vital records of Rockport, Massachusetts, to the end of the year 1849. Salem, The Essex institute, 1924. 120 p.

———. Vital records of Salem, Massachusetts, to the end of the year 1849. Volumes 3-4. Marriages. Salem, The Essex institute, 1924. 2 v.

#### MICHIGAN

*Governor.* Message of Governor Alex. J. Grossbeck to the fifty-third session, Michigan legislature of 1925. Lansing, 1925. 7 p.

#### MINNESOTA

*Governor.* Farewell message of Governor J. A. O. Preus. . . . St. Paul, 1925. 12 p.

———. Inaugural message of Governor Theodore Christianson. . . . St. Paul, 1925. 16 p.

*Children's bureau.* A compilation of the laws of Minnesota relating to children. St. Paul, 1923. 224 p.

*University of Minnesota, Minneapolis.* Bureau for research in government. Publication no. 4. Calendar of Minnesota government, 1925, compiled by Esther Crandall, secretary, Bureau for research in government. 1924. 62 p.

#### MISSISSIPPI

*Department of education.* School laws of the state of Mississippi enacted by the legislature, 1924. . . . Jackson, 1924. 128 p.

#### MISSOURI

*Constitutional convention, 1922.* The record of the proceedings of the Missouri Constitutional convention, year 1922, on the proposed amendment providing for old age pensions. . . . Kansas City, 1924. 56 p.

#### MONTANA

*Governor.* Message of Governor John E. Erickson. . . . Helena, 1925. 18 p.

#### NEBRASKA

*Governor.* Message of Governor Charles W. Bryan. . . . Lincoln, 1925. 22 p.

*Department of public instruction.* Digest teachers certification law. Rules and regulations governing examinations and certification. . . . Lincoln, 1924. 46 p.

## NEW JERSEY

- Governor.* Budget message of George S. Silzer, governor of New Jersey. . . . Trenton, 1925. 258 p.
- . Second annual message of Hon. George S. Silzer, governor of New Jersey. . . . Trenton, 1925. 43 p.
- Historical society. Committee on colonial documents.* Documents relating to the colonial history of the state of New Jersey, first series, vol. 32. Calendar of New Jersey wills, administrations, etc. Volume 3, 1751-1760. . . . Somerville, 1924. 469 p.

## NEW MEXICO

- Governor.* Message of Hon. A. T. Hannett, governor of New Mexico. . . . Santa Fe, 1925. 8 p.
- Secretary of state.* The New Mexico blue book or state official register, 1923-24. . . . Santa Fe, 1924. 64, 105 p.

## NEW YORK

- Governor.* The Governor's message to the Legislature, January 7, 1925. Albany, 1925. 58 p.
- Department of state police. State troopers.* Digest of penal law and criminal procedure. . . . Third edition. Albany, 1924. 101 p.
- Legislature.* Clerk's manual of rules, forms and laws for the regulation of business in the senate and assembly of the state of New York. . . . Albany, 1925. 19 p.
- Legislature. Joint committee on the exploitation of immigrants.* Report of. Albany, 1924. 166 p.

## NORTH CAROLINA

- Governor.* Inaugural address of Governor Angus W. McLean. Raleigh, 1925. 12 p.
- University of North Carolina, Chapel Hill.* Research in progress, July 1923-July 1924. University of North Carolina record, no. 212, July, 1924. 114 p.
- . Know your own state, North Carolina. A program for women's clubs, by S. H. Hobbs, Jr. University of North Carolina extension bulletin, v. 4, no. 11, March 1, 1925. 56 p.
- . Roads to social peace . . . by Edward Alsworth Ross. Chapel Hill, 1924. 133 p. (The Weil lectures, 1924.)
- . The scientific study of human society, by Franklin Giddings. Chapel Hill, 1924. 247 p.

## NORTH DAKOTA

- Governor.* Inaugural address of A. G. Sorlie, governor of North Dakota. . . . Bismarck, 1925. 13 p.
- Message to the Legislature by R. A. Nestos, governor. . . . Bismarck, 1925. 20 p.

## OHIO

*Secretary of state.* The election laws of the state of Ohio, the citizenship and naturalization laws of the United States, the corrupt practices act of the state of Ohio. . . . Springfield, 1924. 439 p.

## OKLAHOMA

*Governor.* Message of the governor, M. E. Trapp. . . . Oklahoma City, 1925. 57 p.

*University of Oklahoma, Norman.* University of Oklahoma bulletin, new series no. 297, November 1, 1924. 204 p. . . . Some problems in Oklahoma finance, by F. F. Blachly and M. E. Oatman. (Studies in government and administration no. 4, Oklahoma Bureau of municipal research.)

## OREGON

*Governor.* Message of Walter M. Pierce, governor. . . . Salem, 1925. 29 p.

*Secretary of state.* Proposed constitutional amendments and measures (with arguments) to be submitted. . . . November 4, 1924. . . . Salem, 1924. 32 p.

## PENNSYLVANIA

*General assembly.* Legislative directory, session of 1925. . . . Harrisburg, 1924. 152 p.

*Governor.* Address of Governor Gifford Pinchot to the General assembly of Pennsylvania. . . . Harrisburg, 1925. 44 p.

## RHODE ISLAND

*Governor.* Inaugural message of Aram J. Pothier. . . . Providence, 1925. 43 p.

## TEXAS

*University of Texas.* Bulletin no. 2344: The controversy between the United States and the allied governments respecting neutral rights and commerce during the period of American neutrality, 1914-1917, by M. W. Graham, Jr. 1924. 192 p.

*University of Texas.* Bulletin no. 2429: Independence of the Philippines. The Interscholastic league division, Bureau of extension. 1924. 80 p.

## VIRGIN ISLANDS

*Governor.* Code of laws, St. Thomas and St. John. Amendment no. 4. (Dated July 10, 1924.) St. Thomas, 1924. 2 p.

## WASHINGTON

*Governor.* First message of Governor Roland H. Hartley to the state legislature, nineteenth session, 1925. Olympia, 1925. 13 p.

———. Fourth message of Governor Louis F. Hart to the state legislature, nineteenth session, 1925. Olympia, 1925. 16 p.

*Secretary of state.* General election laws, including the laws of the state relating to absent voters. . . . Olympia, 1924. 116 p.

## WEST VIRGINIA

*Governor.* Second biennial message of Governor Ephraim F. Morgan. . . . Charleston, 1925. 71 p.

West Virginia legislative hand book and manual and official register, 1924. . . . Charleston, 1924. 1148 p.

## WISCONSIN

*Governor.* Message of Governor John J. Blaine. . . . Madison, 1925. 14 p.

*Civil service commission.* Wisconsin civil service law, rules, regulations. Madison, 1924. 74 p.

*Revisor of statutes.* Wisconsin town laws, 1923, with forms. . . . Madison, 1923. Various paging.

*University of Wisconsin.* Municipal information bureau. Information report no. 40, September 1924. Salaries of village officials in Wisconsin, 1924, compiled by G. D. West. 11 p. mimeographed.

## FOREIGN

## BESSARABIA

*Minister of industries and statistics.* Dictionarul statistical Basarabiei. . . . Chisinau, 1923. 687 p.

## CHINA

*Commission on extra-territoriality.* Constitution of the Republic of China. English translation with Chinese text. Peking, 1924. 34 (16) p.

## COSTA RICA

*Secretaria de relaciones exteriores.* Fallo arbitral del Chief Justice de los Estados Unidos de America sobre las reclamaciones del Royal Bank of Canada y de John M. Amory & Son. San Jose: Imprenta Nacional, 1924. 64 p.

## CUBA

*Delegation to the League of Nations.* La cuarta asamblea de la liga de las naciones, por Cosme de la Torrienté, Presidente de la delegación de Cuba. . . . Habana, 1924. 173 p.

*Secretaria de Estado.* Documentos diplomaticos; Copia de la correspondencia cambiada entre la legación de su magestad Britanica en la Habana y la Secretaria de Estado de república relativo al trato de los inmigrantes Jamaquinos. Habana, 1924. 66 p.

## CZECHOSLOVAKIA

*Office de Statistique.* Les élections à l'assemblée nationale en . . . 1920, et les élections communales en Bohême, Moravie et Silésie en Juin 1919. . . . Prague, 1922. 170 p. Tabls.

## GERMANY

*Foreign office.* Amtliche urkunden zur vorgeschichte des Waffenstillstandes 1918 auf grund der akten der reichskanzlei, des auswärtigen amt und vom reichsministerium des innern. Zweite, vermehrte auflage. Berlin, 1924. 290 p.

## GREAT BRITAIN

*Committee of imperial defence, Historical section.* History of the Great War; based on official documents. The campaign in Mesopotamia, 1914-1918—V. II. London: H. M. S. O., 1924. 581 p.

*Foreign office.* Handbook of commercial treaties between Great Britain and foreign powers. Ed. 3. Lond.: H. M. S. O., 1924. 968 p.

———. Minutes of the London conference on reparations, August 1922. London: H. M. S. O., 1924. 111 p. Cmd. 2258.

———. Proceedings of the London reparations conference, July and August 1924. Lond.: H. M. S. O., 1924. 361 p.

———. Agreement between the United Kingdom and Germany respecting clearing office and mixed arbitral tribunal procedure. Signed at London, Sept. 13, 1924. Lond.: H. M. S. O., 1925. 10 p. Cmd. 2305. Tr. Ser. no. 3, 1925.

———. Protocol on arbitration clauses. Signed at Geneva, Sept. 24, 1923. (British ratification deposited Sept. 27, 1924.) Lond.: H. M. S. O., 1925. 9 p. Cmd. 2372. Tr. Ser. no. 4, 1925.

———. Protocol amending par. 13, Annex II to Part VIII of the Treaty of Versailles of June 28, 1919. Signed at Paris Nov. 22, 1924. Lond.: H. M. S. O., 1925. 4 p. Cmd. 2373. Tr. Ser. no. 5, 1925.

———. The covenant of the League of Nations, embodying an amendment of art. 6, in force from August 13, 1924, and amendments of Arts. 12, 13, and 15, in force from Sept. 26, 1924. Lond.: H. M. S. O., 1924. 12 p. Cmd. 2300. Tr. Ser. no. 37 (1924).

———. Agreements concluded between (1) The allied governments and the German government concerning the agreement of August 9, 1924, between the German government and the reparations commission; (2) The allied governments and the German government to carry out the Experts' plan of April 9, 1924; (3) The inter-allied agreement to carry out the Experts' plan of April 9, 1924; and (4) The agreement between the governments represented on the reparation commission to modify annex II to Part VIII of the Treaty of Versailles. Signed at

London, August 30, 1924. Lond.: H. M. S. O., 1924. 39 p. Cmd. 2259. Tr. Ser. no. 36, (1924).

———. Protocol recording the arrangements for reparation payments by Bulgaria. Signed at Sofia, March 21, 1923. Lond.: H. M. S. O., 1925. 8 p. Cmd. 2303. Tr. Ser. no. 1 (1925).

George V. His majesty's most gracious speech to both houses of parliament, delivered on Tuesday, Dec. 9, 1924. Lond.: H. M. S. O., 1924. 4 p.

Home department. *Commission on employment of policewomen*. Minutes of evidence taken before the departmental commission. Lond.: H. M. S. O. 1924. 88 p.

———. *Registrar-general*. Census of England and Wales, 1921. Index of names of places. Lond.: H. M. S. O., 1924. 584 p.

———. *Royal commission on historical monuments (England)*. An inventory of the historical monuments in London, vol. 1. Westminster Abbey. Lond.: H. M. S. O., 1924. 142 p., 220 plates.

#### IRELAND

*Saorsla't Eireann*. List of measures enacted by the Oireachtas from 1st January, 1924, to 31st December, 1924. 1925. 4 p.

#### MEXICO

*Secretaria de gobernación*. Compilación de leyes federales, del distrito y territorios y documentos de orden administrativo, 1910-1911. Mexico, 1924. 333-632 p. (In Boletín, vol. 4, no. 22).

#### SERVIA

*Minister of foreign affairs*. Documents about the frontier between Albania and the Saint Naoum monastery. 1924. 71 p. (Trans. document in Servian language.)

### INTERNATIONAL

#### LEAGUE OF NATIONS

*Committee on intellectual coöperation*. Index bibliographicus. Repertoire international des sources de bibliographie courante. (Periodiques et institutions.) Publié sous la direction de Marcel Godet. . . . Genève, 1925. 233 p.

*Permanent court of international justice*. Resolutions relating to the pacific settlement of international disputes; adopted by the Fifth assembly of the League of Nations. Geneva, 1924. 6 p. Text in French and English.

———. *Recueil des arrêts*. No. 2: *Affaire des concessions Mavrommatis in Palestine*. . . . 1924. 93 p. French and English text.

*Permanent court of international justice*. *Recueil des arrêts*. No. 3: *Treaty of Neuilly*. Art. 179, annex, Par. 4. (Interpretation.) 1924. 11 p.





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## SOVEREIGN STATE OR SOVEREIGN GROUP?

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The late Professor William A. Dunning is reported to have said of the recent political theories which attempt to replace the conception of state sovereignty by some pluralistic grouping of social forces, that they were "radically unintelligible." It is hard for political theorists who have been accustomed to regard the conception of sovereignty as a foundation stone and a sort of "rock of ages" for their faith to be told (as one is every day, more or less) that the anti-intellectualistic type of a sociological basis is the only valid one for juristic structure. For that, according to the old rationalistic conceptions of analytical jurisprudence, is indeed to base sovereignty upon shifting sands and to deprive law of any special significance of its own by equating it with social reactions of the most indeterminate character. But the anti-intellectualistic trend of modern political theory indignantly denies this charge. The assumption, it counters, that any legal center of reference can be final in its authority or in its right to command is an outworn Hegelianism, discredited by practice and theory alike. Law is too much a thing of fictions to be taken seriously in its claims, when it pretends to be giving an accurate description of facts in the abstract terms of a pretended right on the part of the state to be the sole author of enforceable commands and the only rightful claimant of men's

ultimate loyalty. Sovereignty is no more than an antiquated relic of that barbarous and monistic rationalism that could see in the state "*der Gang Gottes in der Welt*." The fact is, they say, that in the actual conflict of loyalties the state is not a "*communitas communitatum*" but among other groups merely *primus inter pares*.<sup>1</sup>

(One may admit that the absoluteness of legal supremacy, internally and externally,<sup>2</sup> which formed the essence of the Austinian conception of sovereignty, is a conception that hardly accords with the facts of political life, either in intra- or international relations.) And yet one may be entirely unwilling to jettison the whole notion of sovereignty as the pluralists suggest we should. If it turns out to be to some extent a fiction, that is, the hypostatization of an ideal for the sake of systematic coherence in law, it may yet be a necessary fiction to any society that wishes to take or keep organic form under law. Upon its existence as a fact accepted by what Austin called "the bulk of the people" depends constitutional government. But obedience is not capable of the rationalistic synthesis offered by the theory of sovereignty, say its critics. Like the universe itself, the state is ultimately a pluralistic arrangement of grouped forces, among which government, at its most absolute, can arrange but a temporary and tolerable resolution. This is a contention often enough reiterated, and with enough truth in it, to demand searching consideration from political theorists.

Why is it that anti-intellectualism in politics should fasten on the doctrine of state sovereignty as the point of its attack? It

<sup>1</sup> See the excellent essay contributed by F. W. Coker to the memorial volume contributed by the students of Professor W. A. Dunning, to complete his *History of Political Theories* by adding a fourth volume on *Recent Times: "Pluralistic Theories and the Attack Upon State Sovereignty,"* for an extensive bibliography and a very considered critical appraisal of the whole pluralistic movement. (pp. 80-119, *op. cit.*). For a rather different phase of pluralism than those there considered, see the writer's "The Political Application of Romanticism," a critique of the syndicalistic philosophy of M. Georges Sorel, in 39 *Political Science Quarterly*, No. 2, June, 1924, pp. 234-264.

<sup>2</sup> E. M. Borchard has done the same good service (that Mr. Coker did for political pluralism) for "Political Theory and International Law" (pp. 120-140, *op. cit.*).

is, on this reading of its theory at least, simply because the suspicion of all that is rationalistic, all that is the fruit of conceptual abstraction, attaches with peculiar force to the idea of unitary sovereignty. That conception in politics has gone hand in hand with rationalism in philosophy. Sovereignty for political theory has served the same purpose that the concept has for traditional logic and for epistemology. To anti-intellectualism, the method in the one is as vicious as in the other. "Reality" the "strung-along, flowing reality," of which James wrote, is not so constituted, either in thinking it truly or thinking it politically. It cannot be crammed into concepts. "Everything you can think of," said James, "however vast or inclusive, has on the pluralistic view, a genuinely 'external' environment of some sort or amount. Things are 'with' one another in many ways, but nothing includes everything or dominates everything. The word 'and' trails along after every sentence, something always escapes. The pluralistic world thus is more like a federal republic than an empire or a kingdom. However much may be collected, however much may report itself present at any effective center of consciousness, something else is self-governed and absent and unreduced to unity."<sup>3</sup> To pluralists, as to Hegelians and absolutists in general, the state remains a sort of mikrokosmos of the makrokosmos that is the universe; the difference is now that the universe and the state become pluralistic instead of monistic; the universe becomes a multiverse, and unitary sovereignty, "polyarchy."

For convenience sake, one may call this critique of the state, characterized as it is by an anti-intellectualistic and a pluralistic bias, essentially pragmatic, on the assumption that pragmatism as a philosophy most nearly sums up this attitude.

The analogy of the importance of sovereignty in political theory to the place of the concept in logical theory suggests at once the reason that it has become the point on which the most varying types of the pragmatic revolt converge in attack and, at the same time, something of the general strategy under which that attack must be conducted. At a period in world history when all the possible changes are being rung on the forms of

<sup>3</sup> William James, *Pluralistic Universe*, pp. 321-322.

government under which political societies can come, it is natural that the stereotyped conceptions of representative democracy should undergo critical examination, examination at the hands of friends as well as by those who have no prepossessions in favor of democracy as an ideal. The notion of sovereignty has accommodated itself to the growth of democratic institutions by developing into the idea of popular sovereignty of the general will, expressed through representative agencies of government. Are we now to speak simply of the divine right of the people, instead of the king? And can parliament or government be substituted as the equivalent for people?<sup>4</sup>

If sovereignty be restricted to its formalistic aspects, to its purely Austinian outlines so to speak, our pragmatists will claim that it is as empty of meaning in real politics as the concept is in real thinking. In each case the important element of psychology is left out. Pragmatists will have none of the conceptualistic logic of rationalism or the manipulation of the abstractions which are called concepts. Pragmatists in politics say that the juristic logic which is built up about the concept of sovereignty is equally empty of real use or meaning. The psychology of politics means that here, as in everything else *real* obedience is a matter of degree, and *real* sovereignty is a complex of accommodation between conflicting groups.

Now, the error of pragmatism may lie in its refusal to notice that the world of logical concepts, including the juristic notion of sovereignty, is a world so necessary as to be practically indispensable. Granted that to talk of *absolute* sovereignty in human affairs is to talk nonsense, it does not follow that we can dispense with the notion of sovereignty as the basis of law. The validity of psychology is unquestionable, for psychology includes all that gives individuality to any particular thought or act. Still to talk of sovereignty, for example, in general terms is as necessary as to talk of thinking itself, in terms of thought in

<sup>4</sup> The hopeless confusion into which Rousseau fell in these questions, he attempted to escape by the device of an ideal legislator. Apologists of the General Will theory as the basis of law have usually followed his steps, more cautiously, but to the same end.

general, as formal logic does. On the other hand, the purely legalistic notion of sovereignty must be supplemented by the effort to see what is really meant by the "general will," to use the phraseology that is commonly dated from Rousseau; and only an adequate psychology can keep that conception from being turned by a logical *tour de force*, as Rousseau turned it, into a bit of empty sophistry. Pragmatism, which may be called the new nominalism, will not accept a word for an essence that does not exist—and in this respect its criticism has been of the utmost value to political theory.

Political pluralism first attempts to show the uselessness and the inadequacy of the formal conception of the sovereign state that serves as the basis for most of the jurisprudential systems arrived at analytically: its method is to show that that conception does not touch the changing political reality underneath. In the second place, it rejects the whole psychology of the general will, used ordinarily to justify on moral grounds the exercise of unitary sovereignty; it holds this psychology to be vitiated by the same rationalistic method of arriving at a conceptual synthesis that is displayed by absolutistic systems in general. In politics, its attack derives especial strength from the discredit lately attached to absolutism as the peculiar contribution of Germany. (Some pragmatists push this advantage so far as to declare that the solution is to be found only in the pluralistic state, in which sovereignty is to be shared by many groups, instead of being monopolized by the state alone.) (In the hands of exponents like Mr. Laski, pluralism is the transformation of sovereign state to sovereign group.) A general agreement to this effect may be found among thinkers so widely separated in methods and aims as M. Georges Sorel, the syndicalist priest of the myth-cult of violent revolution through the general strike, and the eminent French jurist, M. Leon Duguit, whose whole effort is to establish the "rule of law" based upon the assurance of the public services and social solidarity. Their common theme is the passing of the state as the author of commands, and the rise of the group as the new political unit of autonomy. It is this theme that gives a further unity to the political theory of anti-intellectualistic pluralism.

Perhaps the most authoritative summary of this whole movement has been given by Ernest Barker at the conclusion of his brilliant little volume in the Home University Library Series on *English Political Thought from Spencer to To-day*. After having traced the sources of modern anti-intellectualism in politics as far back as their nineteenth century origins, he sums them up in a passage worthy of quotation even at some length:<sup>5</sup>

“Among the new sources of thought we have to reckon social psychology, the new economics, and the new aspect of legal theory which has been emphasized by Maitland. Social psychology tends to issue in a criticism of the machinery and methods of representative government. Intentionally or unintentionally, it allies itself with a certain trend of anti-intellectualism which is one of the features of the age. In reaction against what they regard as the false intellectualism of the utilitarians, and the equally false if very different intellectualism of the idealists, many of the thinkers of to-day are returning to the cult of instinct, or at best of sub-conscious thought. They find unexpected allies. The new economics, in some of its phases, is also intuitional and anti-intellectual. If social psychology tends to base the State as it is on other than intellectual grounds, syndicalism is prone to expect that nonintellectual forces will suffice to achieve the State as it should be. Both may find themselves in the issue, however paradoxical the prophecy may seem, the allies of Conservatism. Conservatism, with its appeal to sentiment, and its antipathy to doctrinaire Radicalism, is the residuary legatee of all anti-intellectual movements.”

That this is a prophecy which is borne out by the historical development of sovietism into the most repressive communist dictatorship is now too commonplace an observation to be characterized as paradoxical, or to excite comment. But the same development in the theory of group autonomy that is lumped together under the miscellaneous heading of Syndicalism, or “The Greater Trade-Unionism,” as Mr. Cole calls it, is perhaps less often remarked, though no less worthy of comment. Mr. Barker himself noted the direction of the anti-intellectualistic

<sup>5</sup> *Op. cit.*, p. 248.

drift toward the pluralistic Syndicalism of group rights. "If we are individualists now" he had said in his discussion of federalism, "we are corporate individualists." Our "individuals" are becoming groups. "No longer do we write *The Man versus the State*, but we write *The Group versus the State*. There is much talk of federalism in these days. Behind the talk lies a feeling that the single unitary state, with its single sovereignty is a dubious conception, which is hardly true to the facts of life. Every state, we feel, is something of a federal society, and contains within its borders different national groups, different churches, different economic organizations, each exercising its measure of control over its members."

The most imposing manifestation of this federalistic feeling is, he thinks, the development of the newest socialism toward guild socialism. ("In this new Socialism the claim of the Trade Unions to be free groups, freely developing their life in pursuit of their own purposes—the claim urged during the reaction against the Taff Vale judgment, and largely recognized by parliamentary legislation since 1906—finds its apogee. The same movement which appears in the new Socialism economically appears politically in the new Liberalism. The core of that Liberalism would appear to be a new federalism, not directed, as federalism used to be, toward the integration of several small States into a larger whole, but rather toward the disintegration of the great State into small national groups on which large powers are to be conferred by way of devolution.) Such at any rate is the lesson which the policy of Liberalism in Ireland, in Wales, and to some extent in Scotland, would seem to suggest."<sup>6</sup> Had Mr. Barker written in 1924 instead of just before the war, he might have drawn additional confirmation from the existence of an Irish Free State, from an India started along the road to responsible self-government and Dominion status, perhaps complete *Swaraj*, and from the actual assumption by the Dominions, under the Peace Treaty and the League of Nations covenant, of the legal status of equal states, coöperating toward the accomplishment of a common end that men still call the British Empire.

<sup>6</sup> *Op. cit.*, pp. 181-182.

Even at the time Mr. Barker wrote, however, there were tendencies visible, which he was among the first to remark, of revolt against the formalistic conception of the state as power. "At present, however, the current which acts against 'intellectualism' sets also against the State. (A certain tendency to discredit the State is now abroad.) The forces which combine to spread this tendency are very various. There is the old doctrine of natural rights, which lies behind most of the contemporary movements that advocate resistance to the authority of the State. But there is also the new doctrine of the rights of groups, which is today a still more potent cause of opposition to the State.) In the sphere of economics this doctrine assumes the form of Guild-Socialism. In the sphere of legal theory it assumes the form of insistence on the real personality, the spontaneous origin, and (with some of its exponents) the 'inherent rights' of permanent associations. In this latter form the doctrine has been urged, on the one hand, by the advocates of the rights of trade unions and, on the other hand, by the champions of the rights of churches and ecclesiastical bodies. In both forms it has tended to produce a federalistic theory of the State, whether the State is regarded as a union of guilds, or as a "community of Communities" which embraces groups not only economic but also ecclesiastical and national." "The State in England is passing Home Rule Acts, and Welsh Disestablishment Acts to meet the claims of the national groups. All Europe is convulsed with a struggle of which one object at any rate is a re-grouping of men in ways which will fulfil national ideals and accord with national aspirations. Trade unions have recovered from Parliament more than the ground they have lost in the law of courts."<sup>7</sup>

The upshot of all this ferment of new grouping, politically speaking at least, is interpreted by Mr. Barker as a federalism of fact which is gradually being clothed in legal form. He is himself neither an anti-intellectualist nor a pluralist in these matters. (He insists that "we must be quite clear what we mean by our groups; and we must not content ourselves with a hazy intuition that they are somehow real personalities or have some-

<sup>7</sup> *Op. cit.*, pp. 249-251.



how inherent rights," and he has laid it down quite finally that the state cannot abdicate the rule of law where its purpose is challenged by a group of any sort whatever. "Whatever rights such groups (guilds, national groups, and churches) may claim or gain, the State will still remain a necessary adjusting force; and it is even possible that if the groups are destined to gain ground, the State will also gain, perhaps even more than it loses, because it will be forced to deal with ever graver and ever weightier problems of adjustment."<sup>8</sup>

But the leading exponent of that guild socialism in which Mr. Barker has seen the most evident sign of the working of federalism, Mr. G. D. H. Cole, challenges the sovereignty of a state which he treats as no more than the actual government. Not, indeed, that he denies the necessity of retaining a final power of adjustment which turns out in the end to be very much what Mr. Barker means by the state; but that he challenges the whole idea of representative parliaments as the organ of the state will. — Parliamentary institutions based on the intellectualistic assumption that the community will can be determined by selecting a group of persons to represent the wills of all, (representing them for all sorts of questions merely by majority rule within the miscellaneous group that is the House of Commons, for example) do not seem to Mr. Cole "to be democracy at all," though it was so understood by the Victorians. "The challenge to existing institutions which is implicit in this book goes considerably deeper," he says in *The Future of Local Government*, "than any mere criticism of the unwieldiness, because of its size and the magnitude of its duties, of the present State organization. There is implicit, not only the desire for decentralization, but also a challenge to the theory of representative 'democracy,' worked through parliamentary institutions, which gained almost universal acceptance during the last century."<sup>9</sup>

<sup>8</sup> *Op. cit.*, p. 250, and p. 183.

<sup>9</sup> *The Future of Local Government*, p. 177. For similar criticisms see S. and B. Webb, *Constitution for the Socialist Commonwealth of Great Britain*; H. Belloc and G. Chesterton, *The Party System*; and H. Delbrück, *Government and the Will of the People*.

Mr. Cole's remedy, which he has set forth in a number of books, is "the substitution for the universalized representative system which has prevailed during the past century of a system of *functional representation*. . . . The essence of my contention is that, in order to get a healthy Society well administered and responding effectively to the will of its members, it is necessary to do at least two things. In the first place it is necessary to organize Society throughout, on functional lines and to make the form of organization designed for the fulfilment of each social purpose, appropriate to that purpose; and in the second place it is necessary, within the organization set up for each of these purposes, to adopt the basis of representative democracy, which only under these conditions, that is when it is combined with the idea of function, becomes a real instrument of effective popular control. In other words, what is wanted is a merging of the ideas of mediaeval functionalism with those of Victorian 'democracy.' Out of this union will spring the real *functional democracy* of the future."<sup>10</sup>

\* The "commune," however, which Mr. Cole promptly reintroduces in place of the state, seems hardly better than an alias for the sovereign parliament he has just ushered out. It is a body "in every area, local, regional, national . . . . in which all these various groups of elected persons will be brought together for the common determination and discussion of vital questions of policy in which they are all concerned."<sup>11</sup> The present parliament of England is not constituted in just the way that Mr. Cole would have his national "commune" chosen; but it occupies exactly the place that the highest of the hierarchy of communes does in his theory of the "new state." If he prefers to change the name to "commune," no one will quarrel with him except those captious persons who insist that the word *commune* has already acquired a determinate usage in a different sense, and those who do not see the good of offering the same thing by another name. They might insist that Mr.

<sup>10</sup> *Op. cit.*, pp. 178-179.

<sup>11</sup> *Op. cit.*, p. 181. See also *Guild Socialism Restated*, chapters on the "Commune."

Maciver's *Community* cannot be so translated into politics.<sup>12</sup> Parliament, as the sovereign policy-forming organ of the British Empire, has undergone many changes in the method of selecting its membership, without changing its name or its function. Unless Mr. Cole proposes to reject the finality of its decisions, as a high court as well as the sovereign legislature, there is little use to call it a commune. It will differ from the other representative bodies, (or communes) that are local and regional, in the finality of its decisions, the supremacy of its laws. And even under the dyarchy of producers' and consumers' parliaments of his earlier guild-socialist theory, Mr. Cole was sufficiently bound by the logic of things to institute a court of last resort, made up of an equal number from each body, to solve disputes between the two.

(His real point in his latest writings does not seem to be that there is any possibility of ultimate pluralism in political authority, although he still speaks of deconcentration and of decentralization as if he meant some such irreducible federalism.) What he is aiming at is rather in line with Mr. Dewey's idea of the vicious quality of abstractions: he insists that representational bodies, whether they be called parliaments or communes, must not be selected on the basis of representing "interests or purposes in general," but for a particular "piece of work or group of duties."

Now it is true that there are many disadvantages in the practice of electing men to "represent" whole communities on every conceivable question. The growth in the complexity of the problems with which the modern legislator is confronted renders it impossible that he should accurately register "the will of his constituents," even if there were such a thing. Troubled political scientists propose the short ballot, and more power to the executive. Rousseau's general will and Rousseau's ideal legislator exist alike in the realm of pure idea; but for that matter it is only in that realm that Plato's Philosopher was King. The

<sup>12</sup> Mr. Maciver's notion of *Community* is full of the most fertile suggestions; but to translate every possible community of interest, every "area of common life" (as Mr. Cole would do) into political structure is to put an intolerable burden on citizens.

modern legislature of any state you choose, harried by the necessity of placating every conceivable type of interest-bloc, bargaining for such combinations of votes as will enable the majority to keep "rule without power," is a sorry spectacle enough. Those who are patient hope for better things, or trust the veto power of the executive or of the courts. The impatient, of every persuasion, have been won over to "direct action," though they may not all be classed as communists or fascists. "Parliamentarism" is assailed on every side.<sup>13</sup> Labor forces resort to the use of economic power quite as often as the "capitalists" whom they accuse of exploiting the community by more devious methods; under modern conditions of social interdependence the strike in the public services is a forthright bludgeon, whether it be used for offense or defence. Mr. Cole's solution for this pass of affairs is to render the legislator a special instrument, to avoid the blunt edge of party control by specializing the functions for which the representative must represent, that is, to "functionalize" representation. He thinks this will provide a constitutional basis for a more flexible and more acceptable legal sovereignty.

That is an excellent suggestion, no doubt, so far as administrative decentralization is in question. And under modern conditions, administrative bodies carry an increasing burden of quasi-legislative and quasi-judicial functions, as we have called them in order to preserve the fiction of the separation of powers. As a matter of fact, they form policies and decide issues, as well as administer; and some of their decisions, for example, those of the Inter-State Commerce Commission of the United States, are of the most far-reaching importance.<sup>14</sup> But in the end, it

<sup>13</sup> F. W. Coker, *loc. cit. supra*, (note 1) also gives a comprehensive bibliography for this attack on parliamentarism. The works of Mr. H. J. Laski furnish some interesting studies and very valuable bibliographical notes. See also the writer's "The Pragmatic Politics of Mr. H. J. Laski," in 18 *American Political Science Review*, No. 2, May, 1924, pp. 251-275. Bertrand Russell's *Proposed Roads to Freedom* remains the classic criticism of the more extreme views of this nature. See also P. H. Douglas' chapter on "Proletarian Political Theory" in *A History of Political Theories, Recent Times*.

<sup>14</sup> See "The Expansion of American Administrative Law," by A. A. Berle, Jr., 30 *Harvard Law Review* (1916-1917, pp. 430, ff.) which gives a typical state-

seems impossible to escape the maintenance of a central policy-forming organ, a central court of last appeal, a central executive to enforce responsibility, whether they be united in the way these three branches are in the English parliament and ministry, or more dubiously united under the terms of a rigid constitution, as they are in the United States. As long as governments are faced with general problems of policy, some men must be vested with general responsibility to the political community as a whole to face those problems and settle them. Representative government, as Henry Jones Ford has so adequately shown, can hardly escape the terms of a general mandate of power, limited only by the law and custom of the constitution. The particular "piece of work or group of duties" which the responsible ministers of parliament must face is apt to be general enough to try the wisdom even of the Philosopher King, and it is so by the very necessities of organized government, within the nation as well as in foreign affairs.

And what particular interest or purpose is it which is capable of guiding our selection of the men who are to be so empowered? The instrumentalist philosophy of government, looking in the direction of their functions, has said: "They must be specialists, chosen by special community groups of interests." Well and good, so far as specializing is compatible with the necessary simplicity of democratic control. But someone, somebody, must also be responsible for the coördination of services, and the fitting together of policies into a "government," as the parliamentary term goes, or into an "administration" as we say in the United States. With the president going one way, and Congress balking, or actually going in another, the difficulties that lie in the way of getting a responsible "administration" are the chief concerns of our contemporary politics in the United States. Politicians and party-leaders, then, may well stand aghast before

ment of the extent to which administrative commissions use all three types of power in fact, and the limits set upon them by the jurisprudence of the Supreme Court of the United States. Cf. Ernest Barker's article on English administrative law, "The Rule of Law," 1 *Political Quarterly*, No. 2, May, 1914, and Léon Duguit, *Traité de droit constitutionnel*, for French *droit administratif*.

the flat claim that, because it is impossible to represent interests in general, or purposes in general, there must be the selection of representatives by specific interests (professional, occupational, and so forth) and for specific purposes (functional representation). "All very well," they would probably rejoin, "but someone must run the country as a whole, and join foreign to domestic policy in such a way that the two things fit together."<sup>15</sup>

The case for proportional against occupational representation has been excellently put by Mr. Paul H. Douglas in the September 1923 *Journal of Sociology*. He has well established the disadvantages connected with purely occupational representation. As for proportional representation, it would certainly have the advantage of giving political status and legal character to a number of groups that now make raids on the legislatures, through lobbies or through the balance of power they hold between the two parties. That is, proportional representation would accomplish this end, if they chose to use it. But most of the associations who form blocs without responsible majority control, or without actually electing candidates on their own tickets, seem content to use the weapons presently at hand. The farmers prefer the farm-bloc to a farmer's party, apparently. Labor, so far as it is controlled by the American Federation of Labor, had declared for a like policy until Mr. La Follette's candidacy and the political success of the British Labor Party seduced the A. F. L. The convention at El Paso on November 24, voted a return to its old policy. Neither the "veterans" nor the prohibition forces could use their potential strength if they diverted it to electing congressional candidates by proportional representation. And there are other practical objections

<sup>15</sup> This is the difficulty to be found with the proposal recently made by the Webbs in their *Constitution for the Socialistic Commonwealth of Great Britain* to cure the present hypertrophy of Parliament by dividing it into two halves, so to speak: a Social and a Political Parliament. The scheme is seductive enough until one reflects that it destroys the one virtue Parliament has retained, unified responsibility and simplicity in its enforcement. The German experiment of a subordinate and advisory Industrial Parliament seems more hopeful. See H. Finer, *Representative Government and a Parliament of Industry*. See also his "Case against Proportional Representation," *Fabian Tract* No. 211.

from the point of view of the country at large to an unqualified system of proportional representation in a nation so vast as the United States, federal in its form of government, and already harassed to its full share by the difficulty of getting any stability in the control of all the organs of government at one time by a party strong enough to put through its program. The experience of Italy, before *Fascismo* cut the Gordian knot into which proportional representation had tied its government, may be an extreme case, but it is one in point.<sup>16</sup>

In any case, proportional representation and even occupational representation do not really signify political pluralism. They still treat the state as sovereign, and try to fit legal to political sovereignty as justly as may be. The only thoroughgoing pluralism is that of syndicalistic theory: it amounts to a feudal anarchy among contending occupational groups, and rejects the state entirely. The experiments so far undertaken with that theory lead one to hope for little more than reënthroned despotism, as was the case in Russia, or for failure to make more than a gesture of futility, as was the case when the workers in Turin and other Italian cities seized the factories in 1920.<sup>17</sup> The more chastened pluralism of modern political theory is merely interested, as Mr. Dewey and Mr. Cole are, in pointing to the inadequacy of sovereign parliaments to the needs of modern society, and in suggesting the spreading out of authority among newly recognized legal groupings,—in short, turning unions into units of political authority.

This criticism of "representation in general" is not an isolated cry nor an unheeded one. Even Lord Bryce in *Modern Democracies* fell to musing on the pathology of modern legislatures; and as profound a conservative as Dicey went so far as to find

<sup>16</sup> The impotence of a parliamentarism in Italy was due in no small part to the *bloc* system of majority-forming that seems to be necessary where there are more than two strong parties, and no party has a clear majority.

<sup>17</sup> Odon Por, himself a Guild Socialist, in *Fascism* (translated by Mrs. Emily Townshend), has given an unbiased picture of this failure of syndicalism in its revolutionary phase in Italy. See especially pp. 41-55. See also E. A. Mowrer, *Immortal Italy*, (1922)—"The Revolution that Never Was."

hope in the referendum, though he made a strong case against proportional representation.<sup>18</sup>

The possibility of recording through government a real general will finds very few defenders in modern theory, outside of the Hegelian rear-guard so stoutly led by the late Dr. Bosanquet. The paradoxical aspect of the matter is that, along with the increasing drift in actual law and government toward collectivism, traced in English law by Dicey's *Law and Public Opinion in England in the 19th Century*, has gone an attempt to escape the consequential centralization through all manner of schemes for federalizing authority in various degrees, from those which look only to regionalism and a more vigorous local government, all the way to proposals like Mr. Cole's for a redivision of political society along lines occupational as well as territorial; or like the Webbs' for dividing work between a Social and a Political Parliament.<sup>19</sup> Leaving out of account, then, the extreme pluralism of the revolutionary, and almost anarchistic syndicalists, such as M. Sorel, one may still say that the pluralistic critique of the sovereign state has had a great impact on political theory, in so far as it has forced a reconsideration of the part groups play in making law.

In France, M. Duguit has taken the same general doctrines enunciated by Mr. Dewey as long ago as 1894 (in an article in the *Political Science Quarterly* on "Austin's Theory of Sovereignty"),<sup>21</sup> and has erected one of most formidable of the modern reconstructions of juristic theory, pluralistic to the degree that it

<sup>18</sup> A. V. Dicey, *The Law of the Constitution*, 8th Ed., Introd. p. xci, *et seq.*

<sup>19</sup> G. D. H. Cole, *Social Theory*, and *Guild Socialism Restated*; also *The Future of Local Government*, especially the chapter criticizing "Webbismus." For criticisms of Mr. Cole's theory in detail see the essay of F. W. Coker, *op. cit.*, and the following articles: E. D. Ellis, "The Pluralistic State," 14 *American Political Science Review*, (1920); "Guild Socialism and Pluralism," *ibid.*, vol. 17, (1923); G. H. Sabine, "Pluralism, a Point of View," *ibid.*, vol. 17, (1923); and P. H. Douglas, "Proletarian Political Theory"—*loc. cit. supra.* Note 13.

One of the best general statements of the movement called "guild socialism" and the most detailed critique of it is the book of that name by Niles Carpenter. See also Odon Por, *Guilds and Coöperatives in Italy*.

<sup>20</sup> Mr. Dewey's "instrumentalist" pragmatism contained in germ the philosophy of "*Solidarisme*" upon which M. Duguit bases his decentralized theory of the functional state.



recognizes in federalism, in the new legal status of trade unions, and in regional and representational reforms, a complete break with the older and classic doctrines of sovereignty. In England, too, "the Metaphysical Theory of the State," as Mr. Hobhouse has called it, has fallen into sad disrepute. Mr. Ernest Barker, and the present Master of Balliol, Mr. A. D. Lindsay, have joined forces with those who, like Maitland and Figgis, pointed out the theoretical as well as the practical limitations of state sovereignty,—though they have by no means gone so far as Mr. H. J. Laski in the pragmatic point of view that sees no good in the theory of legal sovereignty because it cannot be sustained, in practice, in its formal purity.<sup>21</sup>

The case against "the discredited state" is one whose strength cannot and ought not to be underestimated. At the same time, one must not misunderstand what Mr. Barker meant in that article, in the *Political Quarterly*, which has been hailed by Mr. Laski and others as the classic statement of the grounds for political pluralism. The "discredit" which he felt attached to the state was rather aimed at discrediting the all-absorptive, super-moral state of Hegelian idealism, that offered so excellent an apology for the *Goose-step*.<sup>22</sup> One ought not to forget that his article was written before the war, at the hey-day of the great to-do which was being made by the apostles of the new "greater unionism." Professor R. G. Gettell, in his recent *History of Political Thought*, has pointed out what a change Mr. Barker's ideas have undergone since that date.<sup>23</sup> Even when *The Discredited State* was published, its author found it necessary to append a foot-note: "It is curious to reflect how differently one would have written in January 1915. We have forgotten that we are anything but citizens, and the state is having the high midsummer of its credit."

<sup>21</sup> Mr. A. D. Lindsay, the present Master of Balliol, has given his own views of "sovereignty," a classic statement, in *The Proceedings of the Aristotelian Society*, June 16, 1924.

<sup>22</sup> *Loc. cit.*, vol. 2, (Feb., 1915).

<sup>23</sup> *Loc. cit.*, p. 462, note. The whole chapter on "Pluralistic Theories of Sovereignty" is an excellent summary of the relation of the modern doctrines to the development of political theories in their historical continuity.

His point, though, he did not forget in those times of flurried judgment, as many others did; and his point was simply that the "problem of resistance is always a problem of groups." The reality of groups, was, he noted, not that of a "general will," or of some mystic group mind or corporate personality but simply the reality of the hold their "organizing idea" had upon their members.—The hold of the state idea was not always so intense or so exclusive as to prevent loyalty to other groups, for the hold of ideas upon men's loyalty varies with time and circumstance. When he wrote, home rule for Ireland had brought the Liberal government to the verge of a despairing admission of its impotence to coërcé Ulster—nor has the problem disappeared with the creation of the Irish Free State. It was not only that trade unions and the Church had enforced their claims on the government; the whole empire was a standing example of the truth of Mr. Barker's claim that loyalty was capable of degrees of intensity, even of division against the claims of the state, as the state was defined by existing law.

In times of political transition when the very basis of the state, its "organizing idea," in Mr. Barker's phrase, is in dispute, it is reasonable to demand that the power of government shall not be used to enforce the *status quo* merely to prevent change. The political genius of the English has rested just in a willingness to recognize that there are times when legal sovereignty does not command a sufficient acceptance to make it worth while to force the government's point. When the threat is aimed at the very life of the state, government commands as of right—as it did when the threatened general strike was inaugurated by the strike of the English coal miners in the spring of 1920, or as it did during the war. But in most instances it is properly chary of even the display of force—unless that is made necessary by violence.

In troubled times the body politic is in a pathological condition, one which it often requires a skilful physician to deal with. Is it best to operate or to wait? That is the question that always faces politicians when revolution is in the air. And the English are notorious homeopaths in their medical persuasions when it comes to dosing for political ills. They are convinced that the genius of free government lies in persuasion, not in force.

But in such times political pluralism is not so much a philosophy of the state, as a description of its pathological symptoms. The normal condition of the constitutional state is one in which obedience to the law is a matter of constitutional morality. Where law can neither be agreed upon nor enforced, where the decision is thrown into the arena of what Mr. Laski proposes as "negotiation" or "group competition," the illness of the body politic ceases to be slightly chronic, and takes on an acute phase. Its demise is not so probable as its recovery after a crisis, and a period of such heroic dosing as Mussolini has prescribed to his Italy, though revolution or a period of anarchy are possibilities, and even probabilities where the economic maladjustment is profound.

Internally, England has been undergoing a crisis whose issue is not yet clear; externally, too, from the war-time intensity of its unity, the whole British Empire has slackened to a sort of international coöperation characteristic of a league of nations, rather than of a state. Some of its members have shown a notable unwillingness even to coöperate. Enemies within have arisen to take the place of the enemy without. The legalistic aspects of the former constitution of the Empire are simply in abeyance. The constitution has changed insensibly to that of a commonwealth of nations, and statesmen are casting about for a more satisfactory government than that by conferences, after which there is always the possibility that a change in the member governments (either in the Dominions or in England) may undo whatever has been done. Gestures by the Foreign Office, like that of Lloyd George in making his appeal to the "self-governing" dominions over the Turkish trouble in 1922, show that the prestige of the British Empire, in which they are all interested, may be involved to such an extent by an English minister that they may be drawn into difficulties without wishing to be. The loyalty of the colonies "in a pinch" has been too sternly and too recently proved to admit of any doubting, when the issue is the life of the empire. But their loyalty to decisions in which they have no voice is too important a matter to England herself to be endangered by any but the most thoroughly considered actions. A

feeling of this sort was certainly not the least of the factors which operated at that time to the overthrow of Mr. Lloyd George's government—and to weaken General Smuts in South Africa later.

These are matters of contemporary and practical import. As such they serve to show how idle it is to consider adequate the formal or intellectualistic conception of legal sovereignty to the solution of problems in which law is actually in the making, and sovereignty is being newly delimited. Yet it is not less idle on these grounds to attack the conception of the unitary state in its legal sovereignty, within those limits where such a unifying principle is present and actually operative in law; and that is what pluralism proposes we should do. Even within the limits of territorial federalism, the concerns which affect the purposes of the whole call for a unified power of decision and jurisdiction. The Imperial Conferences of prime-ministers, and the Judicial Committee of the Privy Council now furnish a working basis for unity, with every prospect either of enlarging the scope of their activity, or of forming in their stead some more adequate method of expressing the responsible will of the governments concerned in matters touching the common purpose of the Empire. If no such basis of unifying legal agreements does arise, the application of the term *state* to the empire will simply cease to fit the facts. New areas of sovereignty will have arisen, whose community of action will be limited to specific agreement, in the same manner that international matters are treated by members of the League of Nations at the present time, leaving out of account the Protocol for compulsory arbitration. And while one may see in that heroic proposal to outlaw war a consummation devoutly to be wished, its fate up to the present suggests that the League is apt to remain a league, and not become a super-state.

The point is, surely, that there is a real significance in the term, "sovereign state," derived from practice as well as theory. The history of federal government in the United States is proof of that fact. Pluralism accurately described the period immediately before our Civil War, yet the pluralistic conception of the nature of the federal union has yielded to the conception of

unified sovereignty, wherever national concerns were at stake. And this has occurred through the dialectic of historical facts, and is continuing to change constitutional theory to fit those facts. Federalism can hardly be irreducible and ultimate. If there is to be accepted law, there must be the possibility of determining finally what is law, and of amending the constitution itself where the law is outgrown. The position of the Supreme Court of the United States presents the spectacle of a power of juristic unification unique in the history of political institutions. Ever since Chief Justice Marshall and his associates decided *Marbury v. Madison*, the sphere of federal jurisdiction has increased, not without being challenged, but without being stayed in its course. The "due process" clause of the Fourteenth Amendment, the inter-state commerce clause of Article I, Section 8, and the continued enactment of nation-wide amendments to the Constitution, all prove the essential unity of the rule of law, and of the sovereignty of the nation over the states. It is true that the federal *government* is possessed only of limited sovereignty but that is not true of the federal *state* created by the Constitution.<sup>24</sup> And to the degree that we continue to become a nation and cease to be a federation, national powers will be expanded to national control. The uses (and the proposed uses) to which we are putting the amending power are proof of the reality of such a need. One may deplore it, yet admit the fact.

The concept of sovereignty, in the sense of the constituent basis of the state, is in no danger from either syndicalism or the prag-

<sup>24</sup> The Eighteenth Amendment to the Constitution of the United States, and proposed Amendments such as that authorizing the passage of nation-wide child labor laws, are evidence that the amending process may be turned to statute making, as it has in state government within the nation, if the rigidity of the Federal Constitution blocks this national spirit. For an excellent criticism of the dangers inherent in pushing this centralizing tendency too far see Walter Thompson, *Federal Centralization*.

The platform of Mr. La Follette's party in the recent election demanded that Congress be constitutionally empowered to override the decision of the Supreme Court. Such a provision would naturally make for putting the guardianship of the principles of the Constitution ultimately in the hands of Congress, and would undoubtedly render the Constitution "flexible" in practice to the point of destroying its really federal character.

matic attacks of Mr. Laski and his allies, for the very good reason that it is, in the form of an ultimate willingness among a given people to make law in certain ways and accept laws when so made, the condition of a society under law. The legal sovereignty of government is another matter; but it, too, must be capable of being determined constitutionally, though its locus may be widened or narrowed. Matters which transcend the purpose which government exists to realize under the constitutional mandate from the state may be referred to an arbitrament outside the bounds of a narrowly conceived Austinian doctrine, and matters which are the special concern of local areas or specific interests will properly be left in their hands. Government is the creature of the political community and is limited by the limits of the purpose that creates that community.<sup>25</sup> Where, however, the unified purpose of a community, partly resultant from historical heritage (even more, no doubt, from economic interdependence), but also partly the creation of an active and normative purpose expressed through constitutional agencies, is at stake, it cannot be suffered, in the words of the Master of Balliol, "to go by default."<sup>26</sup> This is the area of the fundamental

<sup>25</sup> The real point that is being made by pluralists is that the acceptance and enforcement of laws (statutes, ordinances, etc.) is a matter of degree, and that even the constitutional bases of legal sovereignty do not command a loyalty from citizens that is undivided with other groups within the state. If one grants, however, that legal sovereignty is a pragmatic matter, to be tested in the working, one may also point out that constitutional unity still remains an *a priori* as well as a pragmatic necessity to the limitation of the resort to force by groups of any sort, and to the enforcement of responsibility against government itself, as the agent of that particular community of purpose which can be reduced to legal terms. *The attack on the state (as it actually is embodied in a given polity) can only be justified when the sphere of government is being steadily pushed (either by a majority or by the pressure of a bloc on representatives, beyond the limits laid down by such community of purpose among the citizens as is capable of being translated into enforceable law.* This is no more indeed, than to admit an ultimate right of revolution where constitutional forms are outworn or repressive, and substantially impossible of amendment by political means.

<sup>26</sup> *Loc. cit. supra*, note 21. See also his articles on "The Political Theory of Norman Angell," 1 *Political Quarterly*, no. 1, (Feb., 1914), and "The State in Recent Political Theory," *ibid*, no. 4, (Dec., 1914), and his contribution to *Recent Developments in European Thought* (edited by F. S. Marvin) "Recent Political Theory" (p. 164-180).

law, private as well as public. Resistance here means attack upon the state. When labor unions, for example, propose to attain political ends by the rude persuasion of force, any pluralism of powers or division between the state and the parties to social strife, means an end to the rule of law. M. Duguit, for all his pluralistic bias, has recognized that, if Mr. Laski has not.<sup>27</sup>

And so does Mr. Barker, for that matter. "Years of ordered life," he said: "have permitted the germination of other ideas than the indispensable minimum idea of law and order. . . . If that basis is not secure, if the building of our common life shows cracks and signs of subsidences, if the enemy without should see a gaping opportunity for his battering ram, the cry of 'Back to law and order' will be great and will prevail. Perhaps the hour is not yet. [!] But if it should strike there is no fear for the State, or for the idea of law and order. There is rather fear for other societies, other ideas. The idea of law and order, when it is roused is one of the cruellest things in history. Think of the suppression of the Parisian Commune of 1871."<sup>28</sup> The hour was, it turned out, even then at hand; and Mr. Barker may have had the melancholy pleasure of one who has correctly prophesied dire things in watching the state exhaust its credit in other lands by a most unholy zeal for law and order—a period of repression which may go far to explain recent conditions in Ireland, in the specific case of the British state.

That Golden Age in which the ancients loved to steep their imaginings of the ideal perfection can hardly be thought of as existing without an accompanying race of innocents. The

<sup>27</sup> M. Duguit, both in the *Traité de droit constitutionnel*, and in *Sovereignty and Liberty* recurs again and again to the manner in which the French government broke the general strike of May 1, 1920 (launched first on the railroads) by calling out troops. His system of law, founded on social reactions and the necessity of securing the functioning of the nation as an economic organism, would give a theoretical basis for Mussolini's interpretation of Fascism. See the writer's "The Metaphysics of Duguit's Pragmatic Conception of Law," 37 *Political Science Quarterly*, no. 4, (Dec., 1922) and review of Duguit's *Traité*, *ibid.*, vol. 39, no. 4, (Dec., 1924).

<sup>28</sup> *Loc. cit.*, 2 *Political Quarterly*, no. 1, (Feb., 1915).

*Metamorphoses* sang it as forever vanished, living only in the poet's dream:

Aurea prima sata est aetas, quae vindice nullo  
Sponte sua sine lege fidem rectumque colebat  
Poena metusque aberant nec verba minacia fixo  
Aere legebantur, nec supplex turba timebat  
Iudicis ora sui.

Whether men have degenerated from the happy age of spontaneous goodness that Ovid celebrated, or whether they have risen from as thick a slime as Huxley's generation believed in, they are at any rate so far below the angels, and so little above the beasts, that the view Hobbes took of "the state of nature" seems to justify itself in times of civil strife.

When all men take the view of the state which characterizes the political pluralism of Mr. Laski, for example, that every command of the sovereign is called upon to justify itself before the moral conscience of the individual as right in itself, then the majesty of law is rendered a thing of shreds and patches. Constitutionalism is the necessary context of single laws. "Pluralism" puts an impossible demand upon such laws. The essence of the morality of "law-abiding" people lies in the recognition of the necessity for a delimitation of "rights" by an accepted rule of law. And when the individuals who call the right of the state to command into question are "corporate persons"—whether church, business, or labor unions—the matter is even more impossible of the solution Mr. Laski proposes. Then the rights of personality become the corporate interests which know no limits (in the case of economic groups) except those imposed upon them by necessity. To speak of the "moral personality" of the United States Steel Corporation or of the A. F. L. smacks of a *mauvaise plaisanterie*. A feudal regime of pluralistic sort among such "moral" persons brings us back to Hobbes; for life under it, if it be not solitary indeed, is nasty, brutish, and short, enough and to spare. *Homo homini lupus est* applies in an even greater degree to corporate persons, employers or employees, than to human ones, for there is a certain "soulless-



ness" about bodies whose *raison d'être* is economic gain that is hardly to be found even in tyrants. Truly they have "neither soul to save nor body to kick."<sup>29</sup>

So that, while we may approve the "discredited state" of which Mr. Barker talked, so long as that discredit is paradoxically "greatly to its credit" (like being an Englishman in Gilbert's immortal song from *H. M. S. Pinafore*), and because, forsooth, it is an uninterfering and as kindly as a London Bobby, we may take alarm when it is proposed seriously to discredit the state and the law. The English attitude of "grousing" at the government deceives no one who understands how firmly the roots of English liberty are planted in respect for law, and in the willingness to wait its slow education at the hands of public sentiment rather than to force radical changes upon it by minority violence, or majority repression. One may suspect that the Labor Party, even more really in power than it has been so far, would not be so revolutionary as in its opposition days. "Direct Action" appeals perhaps more strongly to the Latin love of the "sublime" because it is more dramatic. But the attempt to introduce it, even under the genial auspices of William James' pluralism, into the political atmosphere of responsible government, destroys the genius for political liberty which characterizes the free peoples who make and maintain law. It is an appeal to that violence which M. Sorel has eulogized, whose only immediate issue is the reappearance of a sovereign equally despotic whether he be black-shirted or red.

<sup>29</sup> As this goes to press, the Church, acting through the Fundamentalism of Tennessee, has reasserted its claim to group rights in an extreme degree, even to the control of state education. On the other hand, the recent decision of the Supreme Court extending the protection of the First Amendment (through the Fourteenth) over the state of Oregon, has protected the group rights of religious sects against compulsory state control of all education.

## SECTIONALISM IN CONGRESS (1870 TO 1890)

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Sectionalism is a fundamental and persistent factor in American politics. In the shaping of congressional legislation and even in the formation of the platforms of our national parties, the influence of conflicting sectional interests is of prime importance. The precise nature of such sectional conflicts and the alignment of the various sections upon the leading policies of the time are clearly revealed by an analysis of the votes and debates in Congress on outstanding issues of national importance. Such votes, mapped by congressional districts, show that again and again party lines are broken by the force of sectional interest and that both Republicans and Democrats divide into sectional wings.

A study of the period from the early 1870's to 1890 shows that sectionalism at that time was in large measure the product of the interaction of two movements in our national development,—the rapid expansion of Western settlement, particularly in the trans-Mississippi Middle West (the West North Central states) and the Mountain region, and the marked intensification of industrialism in the older sections of the country, especially in the North Atlantic states. Sectional alliances are flexible and shift with changing economic conditions. The East North Central states, for example, which at the beginning of the period usually vote in alliance with the West North Central and South, by the later eighties are found often on the side of the North Atlantic, a change which may be due to the fact that in the interval they had undergone a marked industrial development which gave them economic interests in common with the older sections. The areas of strongest radical voting move farther West with the shift in the centres of production of grain and livestock; that is, the nucleus of revolt in the Western wing of the Republican party especially is in the newer agricultural regions.

In the interaction of two sets of factors—the economic, comprising all the influences of climate, soil, and natural resources, and the political, comprising the considerations of party allegiance, neither set of factors alone is determinative of the result or sufficient to explain the situation. Although the seventies and eighties seem somewhat barren of striking personalities and forceful leadership, by comparison with the periods preceding and following, they are not devoid of outstanding figures. But on the whole, the influence of the purely personal factor plays a relatively minor part in determining the outcome in votes on national policies. Such votes are the product of an adjustment between the interests of sections which have varying and special needs and the demands of allegiance to parties nation-wide in scope.

The problem of evaluating a given vote and of deciding what relative influence political and economic factors have played in its determination is not a simple one. When one considers that the vote may be on an issue on which the party has no definite policy and that party platforms at best cover only a few issues; that bills are reported by bipartisan committees, which may give a unanimous report or in which the divisions among the members may cut across party lines; that after the Reconstruction period the location of parties was largely sectional, so that what seems superficially to be a solid party vote may really be an expression of sectional as well as party feeling; that before the final vote is taken the bill is so often a patchwork of compromise that it is difficult to attach any true party significance to it, one begins to realize the complexity of the problem. Add to this the fact that in the seventies and eighties the platforms of both Republican and Democratic parties were exceedingly vague upon even the leading issues, especially those of the Republicans, who did not come out squarely for protection till 1888 or for the gold standard till 1896, and one readily perceives that even an overwhelming vote of the representatives of a party for or against a bill need not of necessity be an indication of party loyalty.

Even a vote of ninety per cent of the voting members of the party on one side (defined by President Lowell as a party vote

in his study of the Influence of Party on Legislation)<sup>1</sup> may not be a true party vote, since it frequently happens during this period that even a ten per cent minority is concentrated in one section.<sup>2</sup> It is also easily apparent that, in general, sectional feeling appears more clearly upon the early schedules or amendments to a bill than upon its final passage, when party discipline may whip the recalcitrants into line or when differences may have been reconciled by a compromise which enables both wings of the party to support the measure, but which conceals the real conflicts of interest that exist between the various sections.

One is further confronted by the fact that in "attributing to a district the views of its representative in Congress" one is limited by the numerous instances when the congressman votes for his own advancement in the counsel of the party, rather than for the interests, or in accordance with desires of his constituents; that during the early part of the period graft and corruption in high circles were not unknown and more than one congressman's vote was indubitably dictated by the "interests"; that congressional districts were frequently gerrymandered to conceal their natural physical or economic unity and obtain a party advantage; and that in some instances log-rolling and intersectional bargaining modified the distribution of the vote. The voting of cities, with their bipartisan politics and often with their capitalistic interests at variance with the interests of the section in which they are located, forms a topic for investigation by itself, and further complicates the problem. A perfect comprehension of the meaning of a vote would also involve a knowledge of each congressman, of his background and training, whether he belongs to the small minority which thinks independently or the vast majority which submissively follows leadership, whether he works conscientiously for the good of his constituents or selfishly for personal aggrandizement through the securing of party position and leadership.

On the whole, however, the great majority of men can be relied

<sup>1</sup> Lowell "Influence of Party upon Legislation" *Amer. Hist. Assoc. Report*, 1901, vol. 1, p. 323.

<sup>2</sup> *E. g.*, conservative Democratic votes in the Middle Atlantic states, and radical Republican votes in the West North Central states.

upon to vote according to the dictates of party or the insistent demands of their section in times of distress. An analysis of the votes from the point of view of the sectional interests involved and the position of parties upon the issues at stake is sufficient, therefore, adequately to explain the result, since the number of independent votes, uninfluenced by either of these two factors, is comparatively so negligible that it cannot materially affect the total outcome.

The issues in which the country was most interested during the seventies and eighties, as evidenced by the action of Congress and the national party platforms, were for the most part connected with the expansion of the West or the industrial development of the North Atlantic states, such issues, for example, as currency and banking, the tariff, public lands, internal improvements, regulation of the railroads and trusts, and immigration. All these aroused strong sectional antagonisms; and sectional feeling on these issues, while differing in certain respects, exhibits one common feature,—the opposition of the agricultural regions, remote from the markets for their products and heavily burdened with debt, to the capitalistic centres of the country. In one form or another, it is antagonism to vested interest, whether it be to national banks, trusts, the railroads, the gold standard, or land speculators.

It is only natural, therefore, that sectionalism should appear more pronounced in periods of economic depression than in periods of business prosperity, since the suffering incidental to the over-rapid expansion of the west and to the shift in the centres of production of the great agricultural staples is more acute at such "hard times." It is most pronounced, for our period, during the severe and prolonged depression following the panic of 1873 and extending to 1879, and less so during the depression of the middle eighties, (1882-1886). There is distinctly more party voting in the years of comparative prosperity, from 1879-1882 and 1887-1890, than in the two periods of hard times in the seventies and eighties. This is explained by the fact that at times of acute distress the sections which are hardest hit tend to break away from party allegiance and combine with other sections to

effect a redress of their common grievances. This is true not only of sections as a whole, but also of the regions economically more highly organized within the sections, so that in times of depression, particularly, such intra-sectional areas, determined by geographical or economic factors, which obviously do not respect state boundaries, often break away from the section as a whole and vote conservatively when the sectional majority is radical. Sectionalism, then, consists not only of combinations and contentions between groups of states seeking to control national policies in which they have an interest, but also of the opposition between the more advanced and the more backward regions of the country. The comparative vagueness of the platforms of both Republican and Democratic parties throughout the period, until the election of 1888, further stimulated sectional divisions, since it enabled discontented sections to interpret the planks to suit their own interest without incurring the charge of disloyalty to the party faith.

During the depression of the seventies, the North Central and Southern states combine forces, especially on the issue of a cheap and inflated currency with which to meet their debts, and show a common antagonism to the capitalistic interests of the North Atlantic states. New England is consistently conservative throughout this period, the Middle Atlantic and Far West unstable. It is noteworthy that wherever intra-state or intra-sectional minorities appear, which is of frequent occurrence, it is in the regions of highest economic development and capitalistic interests which vote conservatively in a section largely radical. This is particularly true in the North Central area, where the "New England colonies," which are also the regions of dense population, high per capita wealth, and manufacturing interests, vote with the North Atlantic states rather than with their section as a whole.<sup>3</sup>

In the depression of the middle eighties, the same sectional grouping is found and the same intra-sectional minority areas, though in a few instances the North Central group divides, the Eastern part voting with the North Atlantic, the Western with

<sup>3</sup> Map IV, if mapped by congressional districts, would show this clearly.

the South, a division which had appeared occasionally as early as the end of the seventies.

In periods of depression, the two great agricultural sections of the country join forces. This is especially common in votes on currency and banking, but occurs also in votes on public lands, internal improvements, and interstate commerce. The combination is not, however, due to a complete identity of interest, though both sections were primarily agricultural and both suffered acutely in years of depression. But the causes of the suffering differed. The farmers of the North Central area had incurred heavy debts in the course of an over-rapid westward expansion; in the South, indebtedness was in part the legacy of the Civil War and Reconstruction, and the post-war and post-Reconstruction bitterness of the practically solid Democratic South toward the largely Republican North was superimposed upon the natural grievance of an agricultural against a capitalistic section. Although the alliance of the North Central and Southern states sometimes occurs in years of prosperity, it is less frequent than in periods of depression.

Further evidence of the greater amount of sectional voting in periods of depression is furnished by an examination of the votes of the Republican and Democratic parties separately on sixty-four leading measures during the seventies and eighties.<sup>4</sup> In the Republican party during the depression of the seventies, seventy per cent of the votes analysed show a strongly sectional division of the party into an Eastern and Western wing, the North Atlantic or New England opposed to the North Central group even to the extent of voting conservatively when the party as a whole votes radically. In fifteen per cent of the votes, a majority of the Republicans of all sections votes conservatively, but a radical

<sup>4</sup> These sixty-four votes include fifty-three House votes and eleven Senate votes. Of the House votes, twenty-two are on currency and banking, six each on tariff, lands, and regulation of trusts or railroads, four on improvements, two on immigration, and seven on miscellaneous measures, including internal revenue, reapportionment of seats in Congress, fisheries, agriculture, admission of territories, the Panama canal, and the bureau of animal industry. Of the Senate votes, five are on currency, two on lands, and one each on tariff, improvements, interstate commerce, and immigration.

minority appears chiefly in the North Central area; in fifteen per cent, the party votes as a unit. In the following years of prosperity from 1879-1882, however, only forty-one per cent of the votes are strongly sectional, some of these showing a division of New England versus the West, some revealing the attitude of the Far West on the Chinese Exclusion question; in twenty-three per cent the party votes almost as a unit, with a small radical minority in the West North Central states; in thirty-six per cent the vote is purely a party one.

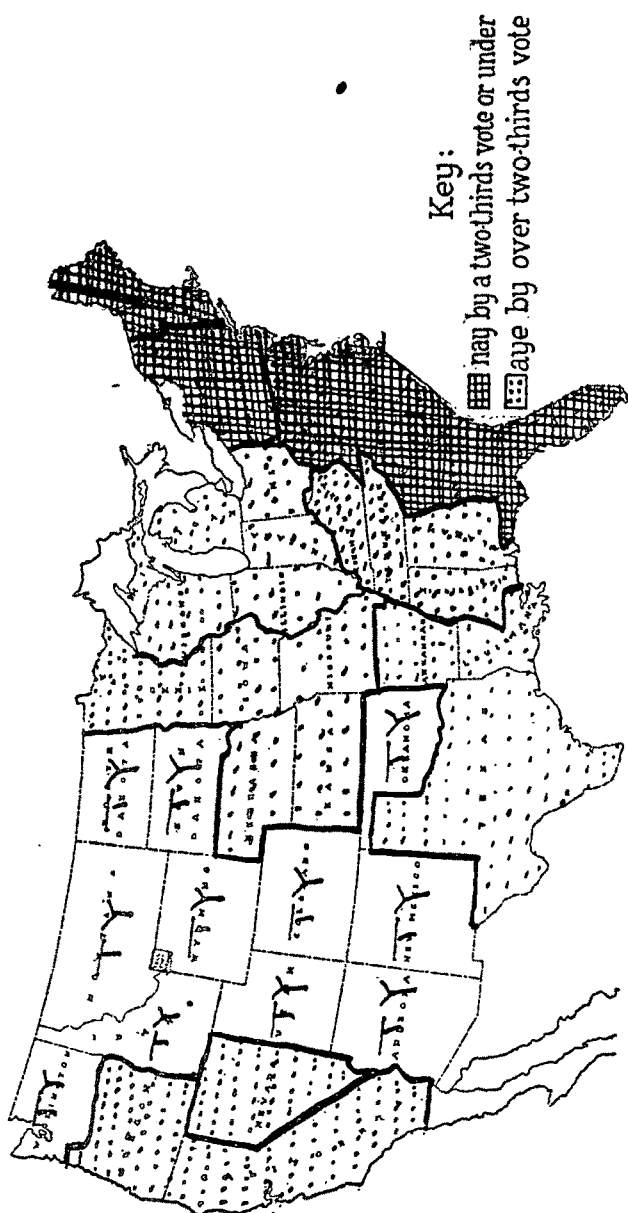
During the depression of the eighties, on the other hand, sixty per cent of the votes are sectional, involving a reversal of the party majority by a sectional majority in the case of the North Atlantic or Middle states, the Far West, or the North Central group; in twenty per cent of the votes, a sectional minority is concentrated in the North Central and Far Western states; in twenty per cent the party votes as a unit. In the prosperous later eighties, however, the percentage of sectional voting is relatively small,—only thirty-three per cent, involving a reversal of party majority by those of sections, in the case of New England, the Far West, and the West North Central states; in forty-two per cent a sectional minority in an otherwise unified party appears in the North Central areas; in twenty-five per cent no sectional influence appears.

MAP I. HOUSE VOTE ON PASSAGE OF A BILL FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, JUNE 5, 1874

House Journal, forty-third Congress, first session, pp. 1116-1117

	REPUB- LICAN NAY	REPUB- LICAN AYE	DEMO- CRATIC NAY	DEMO- CRATIC AYE	THIRD PARTY NAY	TOTAL NAY	TOTAL AYE
New England.....	10	9	0	0	0	10	9
North Atlantic.....	20	14	5	3	1	26	17
East North Central.....	7	40	5	6	0	12	46
West North Central.....	0	20	3	5	0	3	25
South Atlantic.....	9	7	9	4	4	22	11
East South Central.....	1	15	3	10	0	4	25
West South Central.....	0	8	4	1	0	4	9
Mountain.....	0	0	0	1	0	0	1
Pacific.....	0	2	0	0	0	0	2
Total.....	47	115	29	30	5	81	145





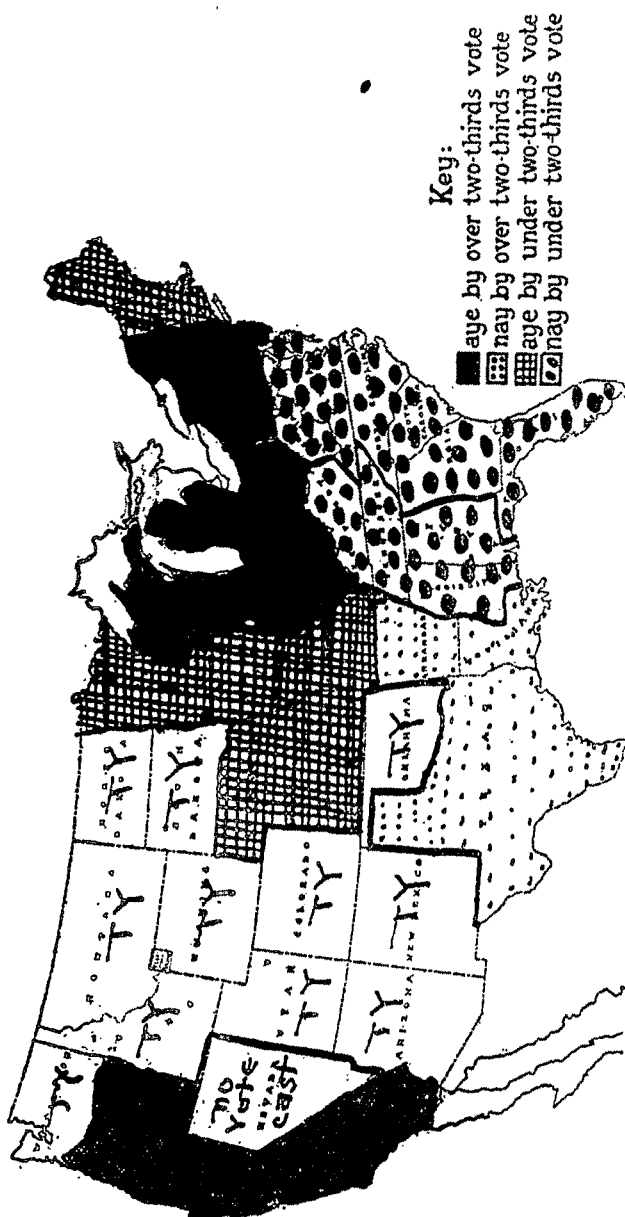
MAP I. HOUSE VOTED ON PASSAGE OF A BILL FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, JUNE, 1874

It is worthy of note that in the seventies men like McKinley, Garfield, and Cannon, who later became the responsible leaders of the Republican party, were repeatedly voting for radical financial legislation in response to the demands of their section. And it is well known that McKinley's record in this matter was a source of some embarrassment to the party when he became the Presidential candidate at a time when it was swinging over to the "sound money" attitude.

The Democratic party also divides along sectional lines. In the depression of the seventies, thirty-nine per cent of the Democratic votes are sectional, mostly a division of the North Atlantic Democrats versus those of the West and South, partly a division on Eastern and Western lines; sixty-one per cent are party votes. In the years 1879-1882, forty-six per cent are sectional votes, two-thirds of which align the Middle states against the West and South, while one-third divides the North Central area into Eastern and Western wings siding respectively with the North Atlantic and the South. In the depression of the eighties, forty-one per cent are sectional, mostly a division of the North Atlantic against the South; in one instance, of the North Central states against the North Atlantic and South. In the later eighties, only thirty per cent are sectional votes, involving chiefly a reversal of the total party majority by the Democrats of the North

MAP II. HOUSE VOTE ON PASSAGE OF THE RESUMPTION ACT, JANUARY 7, 1875  
House Journal, forty-third Congress, second session, p. 138

	REPUB- LICAN AYE	REPUB- LICAN NAY	DEMO- CRATIC AYE	DEMO- CRATIC NAY	THIRD PARTY NAY	TOTAL AYE	TOTAL NAY
New England.....	13	9	0	1	0	13	10
North Atlantic.....	41	5	0	10	1	41	16
East North Central.....	38	4	1	13	0	39	17
West North Central.....	14	2	0	7	0	14	9
South Atlantic.....	12	2	0	15	4	12	21
East South Central.....	12	2	0	14	1	12	17
West South Central.....	2	0	0	7	0	2	7
Mountain.....	0	0	0	0	0	0	0
Pacific.....	3	0	0	1	0	3	1
Total.....	135	24	1	68	6	136	98



MAP II. HOUSE VOTE ON PASSAGE OF THE RESUMPTION ACT, JANUARY 7, 1875

Atlantic or Middle states, and once by those of the West North Central and West South Central groups.

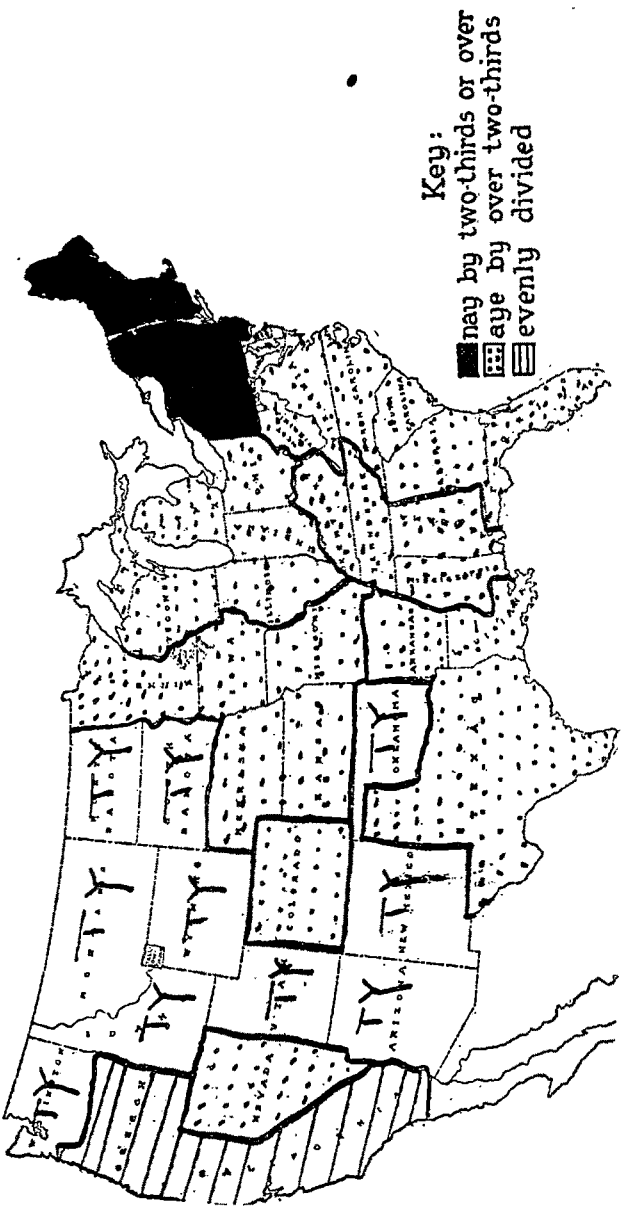
The method of obtaining the above percentages, as well as those contained in the following pages, is illustrated by an analysis of the six typical votes here tabulated and mapped, since precisely the same method of analysis has been applied to sixty-four votes and the percentages are based on the analysis of all sixty-four. A vote is not called a party vote if even a small minority has a concentrated location which is attributable to sectional influence. It is regarded as a party vote, however, if a small minority (of less than ten per cent) exists, but is so distributed as to exhibit no influence of sectional interests.

Examining the vote shown in map I, we find that it is clearly a sectional one, on an East and West line of division, the entire Atlantic coast voting against the improvement of the Mississippi River and all sections west of the Alleghenies voting for it. Though a majority of both Republican and Democratic votes in the country as a whole is for the bill, in the sections which are against it, the majority of both Republican and Democratic votes is also against the bill, showing clearly that sectional interest was the chief determining factor in the vote. Thirty-nine out of forty-seven Republican votes against the bill are from the Atlantic seaboard.

MAP III. SENATE VOTE ON PASSAGE OF BLAND ALLISON BILL, FEBRUARY 15, 1878

Senate Journal, forty-fifty Congress, second session, p. 209

	REPUB- LICAN NAY	REPUB- LICAN AYE	DEMO- CRATIC NAY	DEMO- CRATIC AYE	THIRD PARTY AYE	TOTAL NAY	TOTAL AYE
New England.....	9	0	2	0	0	11	0
North Atlantic.....	1	1	3	1	0	4	2
East North Central.....	1	6	0	3	0	1	9
West North Central.....	0	8	0	2	2	0	10
South Atlantic.....	0	1	2	7	0	2	10
East South Central.....	0	1	1	5	0	1	6
West South Central.....	0	1	0	5	0	0	6
Mountain.....	0	3	0	0	0	0	3
Pacific.....	2	0	0	2	0	2	2
Total.....	13	21	8	25	2	21	48



MAP III. SENATE VOTE ON PASSAGE OF THE BLAND-ALLISON BILL, FEBRUARY 15, 1875

The vote shown in map II shows no definite sectional influence and is almost wholly a party vote of the Republicans for and the Democrats against the bill. The fairly large Republican minority against the bill is so evenly distributed as to show no sectional influence.

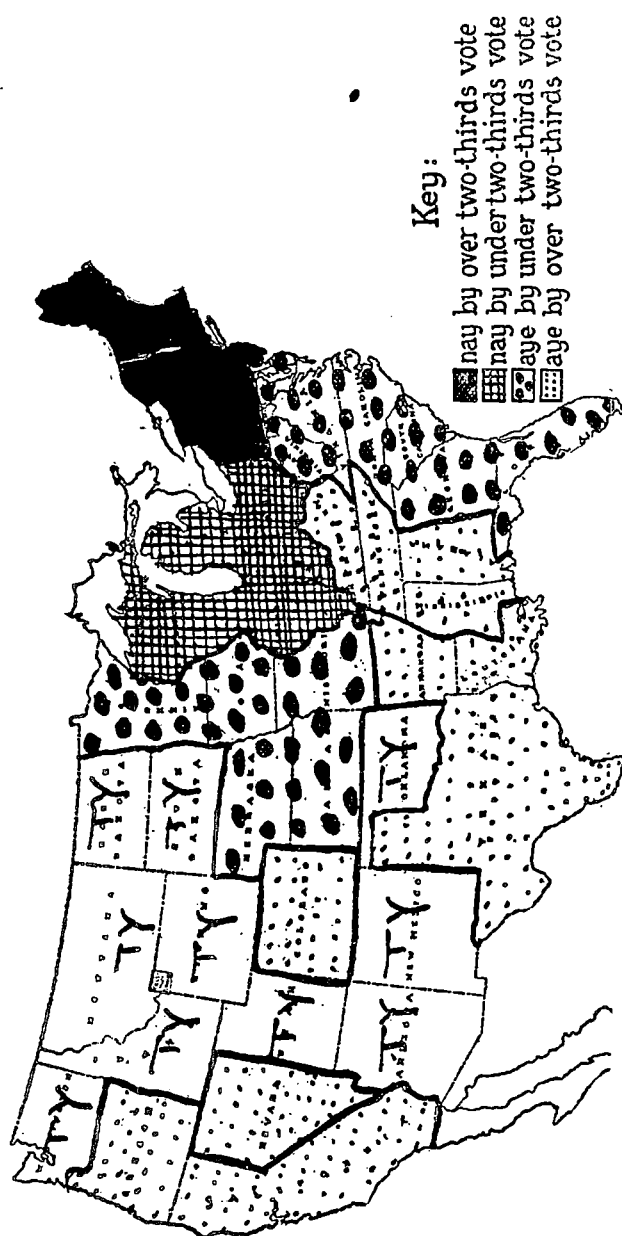
In the Senate passage of the Bland-Allison bill, shown by map III, although a majority of both parties supports the bill, sectional influence is markedly shown by the fact that in New England the majority of both parties is against it, as is the Democratic majority in the Middle states, where the Republicans are evenly divided. This is a clear instance of the anti-silver sentiment of the North Atlantic states, which in this case was strong enough to cause a reversal of the party majority by the sectional majority in those states.

The noteworthy fact in connection with the vote given in map IV is the shading of opinion from East to West on the silver issue. The East North Central states are against free silver, though by a smaller majority than the North Atlantic states. The West North Central states are for free silver. This split between the East and West North Central states contrasts sharply with the attitude of the North Central states in the vote taken by the House immediately before this one, on the question

MAP IV. HOUSE VOTE ON ORDERING THE THIRD READING OF THE FREE SILVER BILL. H. R. 5690, APRIL 8, 1886

House Journal, forty-ninth Congress, first session, pp. 1194-1195

	REPUB- LICAN NAY	REPUB- LICAN AYE	DEMO- CRATIC NAY	DEMO- CRATIC AYE	THIRD PARTY AYE	TOTAL NAY	TOTAL AYE
New England.....	18	0	4	0	0	22	0
North Atlantic.....	33	2	25	1	1	58	4
East North Central.....	24	6	10	24	0	34	30
West North Central.....	13	10	2	12	1	15	23
South Atlantic.....	2	2	17	23	0	19	25
East South Central.....	1	1	8	20	0	9	21
West South Central.....	0	0	4	16	0	4	16
Mountain.....	0	2	0	0	0	0	2
Pacific.....	2	4	0	1	0	2	5
Total.....	93	26	70	98	2	163	126



MAP IV. HOUSE VOTE ON ORDERING THE THIRD READING OF THE FREE SILVER BILL, APRIL 8, 1886

of suspending silver purchase. On that issue, the East and West North Central states stood together for the continuance of silver purchase, though the Eastern section of the North Central group was opposed to free silver, and thus held a mediating position between the North Atlantic and the Western section of the North Central group.

The vote on the discontinuance of silver purchase shows the North Atlantic states in favor, by over a two-thirds majority, and all the rest of the country opposed by over a two-thirds majority. In the free silver vote shown in map IV, however, a sectional influence appears in the fact that the minority opposed to free silver is larger in the South Atlantic than in the South Central area, and in the reversal of the total Democratic majority by its sectional majority in the North Atlantic states. Forty-six out of seventy Democratic anti-silver votes come from east of the Alleghanies and sixteen out of twenty-six Republican votes for free silver are from the North Central states. This vote, therefore, and the contrasting vote taken at the same time on the discontinuance of silver purchase furnish a most striking example of sectional division within both parties.

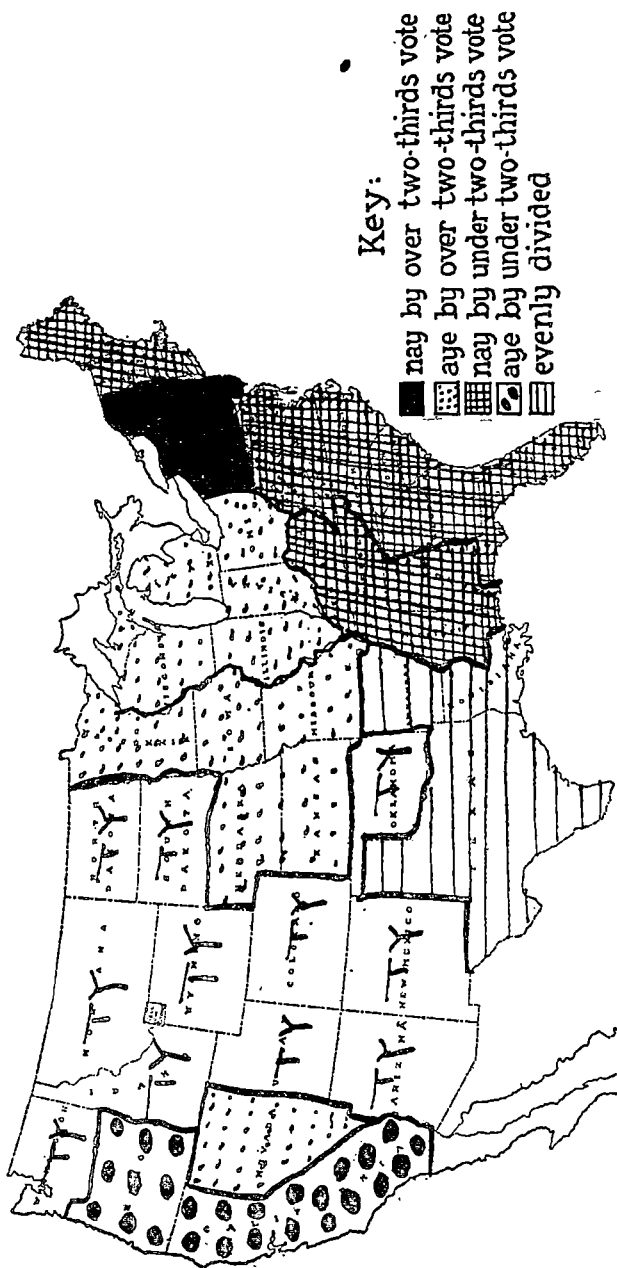
In the vote on the McCrary bill, shown by map V, the Democratic vote is a party one, but the sectional majority of the

MAP V. HOUSE VOTE ON PASSAGE OF THE MCCRARY INTERSTATE COMMERCE BILL, MARCH 26, 1874

House Journal, forty-third Congress, first session, pp. 665-666

	REPUB- LICAN NAY	REPUB- LICAN AYE	DEMO- CRATIC NAY	DEMO- CRATIC AYE	THIRD PARTY NAY	TOTAL NAY	TOTAL AYE
New England.....	12	7	1	0	0	13	7
North Atlantic.....	21	15	12	0	1	34	15
East North Central.....	6	44	12	2	0	18	46
West North Central.....	0	19	7	0	0	7	19
South Atlantic.....	2	10	11	2	3	16	12
East South Central.....	2	12	16	0	1	19	12
West South Central.....	1	6	5	0	0	6	6
Mountain.....	0	0	0	1	0	0	1
Pacific.....	1	2	1	1	0	2	3
Total.....	45	115	65	6	5	115	121





MAP V. HOUSE VOTE ON PASSAGE OF THE MCCRARY INTERSTATE COMMERCE BILL, MARCH 26, 1874

Republicans in the North Atlantic reverses the total Republican majority, and thirty-three out of forty-five Republican votes against the bill come from that section. The location of six opposing votes in the East North Central states, as contrasted with the absence of any Republican opposition in the West North Central area, may be a further indication of sectional feeling.

The sectional location of minorities in this vote, as also in maps I, III, and IV, is of great significance, especially where the vote of the members of either party within a given section reverses the total majority of the party. It reveals a sectional division of both parties on votes involving distinctly sectional interests, such as internal improvements, interstate commerce, and currency issues.

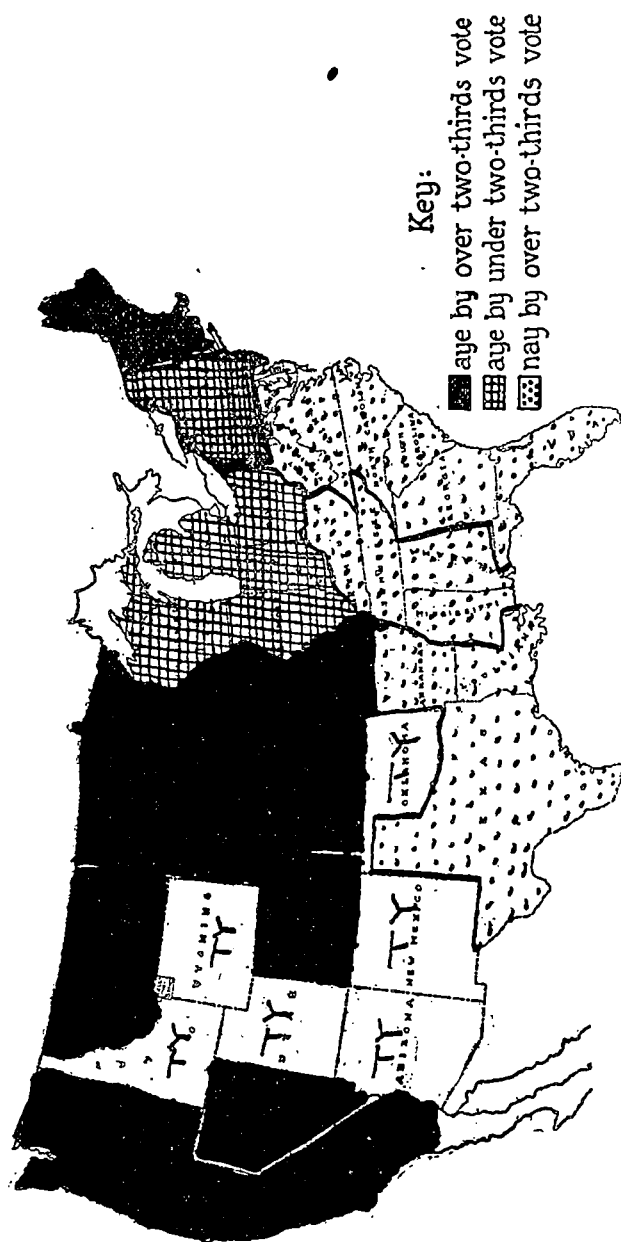
In the vote given in map VI, on the tin plate duty of the McKinley tariff, the only sectional influence is the location of ten out of thirteen anti-tariff Republicans in the North Central states. In other respects, the vote shows a typical party grouping of the period of the eighties or nineties, when owing to the largely sectional location of the major parties, the resultant line division is one of North versus South.

Sectionalism in the Republican party largely takes the form of radical voting by the North Central area in sharp opposition

MAP VI. HOUSE VOTE ON THE TIN PLATE DUTY UNDER THE MCKINLEY TARIFF,  
MAY 21, 1890

House Journal, fifty-first Congress, first session, p. 641

	REPUB- LICAN AYE	REPUB- LICAN NAY	DEMO- CRATIC AYE	DEMO- CRATIC NAY	TOTAL AYE	TOTAL NAY
New England.....	21	0	0	3	21	3
North Atlantic.....	42	0	0	22	42	22
East North Central.....	42	7	0	19	42	26
West North Central.....	24	3	0	8	24	11
South Atlantic.....	8	2	0	37	8	39
East South Central.....	5	0	0	27	5	27
West South Central.....	1	1	0	18	1	19
Mountain.....	3	0	0	0	3	0
Pacific.....	4	0	0	2	4	2
Total.....	150	13	0	136	150	149



MAP VI. HOUSE VOTE ON THE TIN PLATE DUTY UNDER THE MCKINLEY TARIFF, MAY 21, 1890

to the North Atlantic group, especially in periods of depression; in the Democratic, it takes the form of conservative voting by the Middle Atlantic states versus the West and South. In both instances, the alignment brings into sharp relief the antagonism between the North Atlantic and the West and South; in other words, of the capitalistic centres against the agricultural regions.

Sectional splits within the parties were not confined to votes in Congress, for in the Democratic National Convention of 1876 a marked division occurred. In opposition to the majority report of the platform committee for the repeal of the resumption day clause of the Resumption Act, in order to postpone resumption, a minority report was offered which proposed the repeal of the entire Resumption Act. On the final vote on the platform, eighty-three delegates voted "nay" because of their desire to see resumption completely abandoned. Fifty-four of these votes came from the East North Central states, eighteen from the West North Central, and eleven from the South Atlantic sections that had combined together on the currency issue repeatedly during the early and middle seventies. On the other hand, five delegates from the North Atlantic states had previously dissented from the majority plank of the Convention on the ground that resumption should not be interfered with in any way. This action is especially striking in view of the fact that the party as a whole was overwhelmingly for the postponement of resumption.<sup>5</sup>

Another sectional grouping found in the middle seventies is a straight East and West division of questions affecting the West directly, such as public lands and the improvement of the Mississippi River,<sup>6</sup> and on the McCrary Bill of 1874 for the regulation of interstate commerce, in which the North Atlantic and South Central areas voted against the North Central.<sup>7</sup>

<sup>5</sup> Proceedings of the Democratic National Convention, 1876. In the Democratic Convention of 1884, there was a split on the tariff plank and 21½ votes from New England, 22 from the Middle states, 31 from the East North Central, 7 from the West North Central, 3 from the Mountain, and 12 from the Pacific were cast for Butler's plank for free raw materials and necessities and for taxation of luxuries up to the point of collection. Proceedings of Democratic National Convention, 1884, p. 218.

<sup>6</sup> See map I.

<sup>7</sup> See map V.

The East North Central states held a mediating position between the North Atlantic and West North Central states. Though in the early and middle seventies they voted for the most part with the West North Central group, by the end of the decade their industrial interests had become sufficiently strong to swing them to the side of the North Atlantic on many issues. Their attitude, especially on the currency, was midway between that of the North Atlantic and West North Central states. In the seventies, they were opposed to the unrestricted inflation of paper currency, but not willing to retire the greenbacks already in circulation; in the middle eighties, they were against free silver, willing to continue the purchase of silver and its coinage in limited amounts.<sup>8</sup> Their position enabled them to hold a "balance of power," and it was doubtless in recognition of this fact that great influence was given to representatives from the section, especially from Ohio and Illinois, on committees of the House and Senate, in order to bind them by ties of party interest to the older capitalistic sections with which they could thus share the honors of power. Even the Presidency rotated between the North Atlantic and East North Central sections, chiefly between New York and Ohio, and thus the highest positions of party leadership were distributed between the North Atlantic and East North Central regions.

In addition to these two factors which tended to swing the East North Central states to the side of the North Atlantic—the growing industrial development of the former and the judicious distribution of party honors to its representatives in Congress, in order to bind them by ties of gratitude to the orthodox party faith, may be mentioned also the greater definiteness of party policies in the later eighties, which gave less scope for loose interpretation by different wings of the party. Party organization and discipline were then being strengthened and perfected, but were not, however, sufficiently strong to prevent a split in the ranks under the influence of a really serious depression, as in the middle nineties. The recurrence at that time of an area of revolt in the Populist states, as in the later cases of the Progress-

<sup>8</sup> See map IV.

sives, the Non-Partisan League, and the farm bloc, indicates that though the North Central group could be held to the North Atlantic by ties of party allegiance and ambition for preferment in party office, the bond was not too strong to be broken when conditions in the farm area, especially in the West North Central states, became acute enough to force a split on the ground of sectional interest. Although in some instances discontent resulted in the formation of temporary third parties, such as the Grangers and Greenbackers of the seventies, the most radical financial legislation of that period was put through by the votes of men who remained nominally within the ranks of the two older parties, and was effected before the Greenback party, as such, had obtained any appreciable representation in Congress. Support for such radical measures as free silver and paper inflation came, however, from substantially the regions where the Greenbackers, the Grangers, the Independent parties found their greatest strength.

The South plays a unique rôle during the seventies and eighties, since it is so completely under the domination of the Democratic party and so unified in its opposition to the North Atlantic section that only rarely do the differences of economic interest between different parts of the South appear in the votes of the section as a whole. In a few votes, the black soil regions come out as a conservative minority in a radical section,<sup>9</sup> but these are the great exception. For the most part, the South votes solidly on the radical side of the leading national policies of the day, and even its industrial recovery in the latter part of the period has slight apparent influence on the votes of representatives from its industrial centres. Almost the only exception to this, beside the currency vote above cited, is the fact that on tariff bills a few scattered Southern Democrats argue for protection to local products, such as coal, sugar, and citrus fruits.<sup>10</sup> It sometimes happens also that the South divides along an East and West line, the South Atlantic voting with the North Atlantic and the South

<sup>9</sup> Map IV, if given by congressional districts, would show this.

<sup>10</sup> *E.g.*, in debates on tariffs of 1883 and 1890 by representatives of Maryland, West Virginia, Louisiana, and Florida.

Central with the North Central states.<sup>11</sup> Even where the South votes as a unit, there is a conservative minority sometimes in the South East when it is absent or negligible in the South West.<sup>12</sup> Of course, the Democratic solidarity of the South, while it conceals intra-sectional differences, is itself a manifestation of sectionalism of a peculiar sort, the outgrowth and aftermath of the differences between North and South due to the negro problem.

An examination of the voting of cities, which are large enough to comprise one or more congressional districts, shows that only in ten or twelve per cent of the cases analysed do they vote with the party as against the sectional majority. In thirteen per cent the vote is split within the ranks of one party. But in the great majority of cases, seventy-five per cent or over, the votes of the city show sectional influence. This is of two sorts,—in over sixty per cent, the city votes as the section as a whole votes, most of these being instances where the city is located in a capitalistic section, so that its interests coincide with those of the section; in over ten per cent, a city located in an agricultural section, which votes radically, is found voting conservatively because of its local interests, and in opposition to both sectional and party majorities.<sup>13</sup>

Although the Senate is sometimes considered to be a traditionally conservative body which may exercise a check upon the action of the House, it does not during the seventies and eighties exert any appreciable influence in this direction. In some instances, radical bills passed by the House were never reported out of committee in the Senate; but the Senate votes on bills which

<sup>11</sup> See maps I and V.

<sup>12</sup> See maps II and IV.

<sup>13</sup> In the vote shown in map IV, an interesting and typical example of city voting appears. 27 votes were cast by city representatives. 23 were anti-silver votes (7 Republican and 16 Democratic), cast regardless of party by representatives from the Eastern cities; 4 were silver votes (3 Democratic and 1 Republican) from the Western cities, the one Republican silver vote from San Francisco. In the Republican anti-silver votes, sectional and party influence reinforce each other; in the Democratic anti-silver votes, sectional influence is paramount, as it is in the silver votes of both parties.

passed both Houses show substantially the same relative amount of sectional and party influence as the corresponding House votes, and the grouping of sections is the same.<sup>14</sup>

Sectional voting is more pronounced in congresses where the political control of the national government is divided between the two parties, than in those where one party controls the Presidency and also a majority of both houses. This is true equally for years of depression and for years of business prosperity throughout the seventies and eighties. But although parties seem to act with somewhat greater cohesion when one party controls the executive and legislative machinery of the national government, even then practically no legislation (with the possible exception of the protective tariff) is passed by the party in power which can be considered as of distinctive value to the party, as such, or on which the policies of the two parties are sharply opposed. In other words, even when the most favorable conditions exist for the party in power, there is nothing even remotely comparable to the party formulation of policy which exists under a parliamentary system. The most that can be said is that in periods when the Presidency and the majority control of Congress are divided between the Republicans and the Democrats, both parties are somewhat more subject to the splitting off of sectional wings or blocs.

A comparison of sectional alignments on different issues reveals certain differences, in spite of their "common denominator" of opposition to capitalistic interests.

On the question of internal improvements, as shown in annual river and harbor bills, the larger aspects of sectionalism are somewhat obscured by log-rolling, since a large majority of congressmen ask for specific appropriations for particular streams or ports in their districts, regardless of the importance of such grants for the internal commerce of the country as a whole. The final grouping of sections on the passage of such bills is of small significance, for the real sectional feeling appears rather in the debates, and in

<sup>14</sup> In the House passage of the Bland Allison bill over the President's veto the North Atlantic is opposed by over two-thirds, and the rest of the country in favor by over two-thirds of the votes cast. Compare map III.



votes on amendments for specific improvements.<sup>15</sup> The fact that direct proof of sectional bargains is unobtainable makes it impossible to give a complete explanation of sectionalism on this issue.

On the public land question, sectional feeling is shown by the keen interest taken by the West North Central states in all bills affecting the public lands; by the lumbering regions of the North Central, South, and Far Western states in measures relating to timber lands; and by the Far West in the disposition of mineral lands. Other sections are relatively indifferent to these measures of special interest to the frontier regions.

On currency and banking, sectionalism takes the form of sharp antagonism between the agricultural debtor regions, which desire cheap and abundant currency and which resent the high interest rates charged by Eastern bankers on farm loans, toward the centres of capital in the North Atlantic states.

Sectionalism on the regulation of interstate commerce is similar to that on the currency, since the areas of agricultural discontent, which are remote from the markets for their products, oppose persistently the exorbitant rates charged by the railroads and their discrimination between places and individuals. Opposition to the long-and-short-haul clause is located in the sections which would most profit by a low through rate.

The Chinese Exclusion bills of 1879 and 1882 aroused a quite different type of sectional feeling: the Pacific coast, where the menace of Chinese immigration was acute, supported exclusion unanimously; New England, the section most remote from the scene of the danger, was unwilling to abrogate the treaty agreements with China; and the intermediate sections supported the bills by majorities which grew larger in the regions nearer the Pacific coast.

On the tariff, as on river and harbor bills, log-rolling was common and tended to obscure the conflict of interests between the manufacturing centres and the rest of the country. Party

<sup>15</sup> The clear sectional division on map I is due to the fact that the bill involved a specific improvement of one river, the Mississippi, and is thus not characteristic of the annual river and harbor bills.

influence was stronger on the tariff than on any other issue, since the policy of both parties was most clearly defined in regard to the tariff, although not till 1883 did the Republican platform use the word "protection." On the tariffs of 1883 and 1890, the votes divided largely on party lines, the Republicans for protection, the Democrats against it.<sup>16</sup> The Morrison bill of 1884 furnishes a striking exception to the rule of party voting on the tariff, since a block of 42 Democrats from the manufacturing regions of the North Atlantic and East North Central states split off from the main body of their party and succeeded in preventing a reduction in import duties. But in spite of the fact that party discipline usually controlled the final vote on the tariff, and that only in rare instances are aye-and-nay votes of the House recorded in the earlier schedules where the real fight came, and that it is impossible to discover the bargains made between various sections to support one another's pet measures of protection, a considerable degree of sectional feeling is nevertheless traceable through the frequency in the debates of pleas for protection for the products of particular districts, especially when even Democrats join in the cry,<sup>17</sup> and in the occasional demands of Republicans for free raw material for some local industry of importance to their constituents or of the Western Republicans for free lumber for homesteads.

Closely connected with the tariff was the regulation of trusts, since opponents of the protective system claimed that it fostered monopolies. To meet such criticism, the Republicans drafted the Sherman Anti-Trust Bill of 1890, but because of their doubt of the sincerity of the reform the Democrats refused to give it their unqualified support. Hence the vote on its final passage divided on party lines.<sup>18</sup> The debates, however, reveal a sectional difference of feeling between the North Atlantic states, which were

<sup>16</sup> See map VI.

<sup>17</sup> In 1883, Democrats from West Virginia asked for a duty on coal, from Mississippi on jute, from New Jersey on pottery, from Maryland on coal and potash, from Louisiana and Florida on sugar; in 1890 Democrats from Louisiana asked for a duty on sugar, from California and Florida on oranges and lemons.

<sup>18</sup> This vote, if mapped, would be identical with map VI.

lukewarm in their opposition to the trusts, and the North Central group, which expressed vehement abhorrence of monopolies.

The common antagonism to vested interest, seen in the attitude of the West and South on most of the above measures, takes different forms according to the issues involved: On the currency, it is a demand for the remonetization and free coinage of silver, and opposition to national banks and high interest rates on farm loans; on the public lands, it is opposition to the unscrupulous land speculator who builds up large estates illegally at the expense of the legitimate settler; on interstate commerce, it is resentment against the monopolistic practices of the railroads; on the tariff, it is antagonism to trusts and to the special protection given to big manufacturing interests, while the interests of the farmer received small attention. Taken altogether, it is the natural reaction and jealousy of the newly-opened and expanding sections toward the intensification of capitalism in the older sections of the country, which they feel is contrary to their interest.

Summarizing the position of the various sections throughout the two decades of our study, as shown by their votes on leading national policies, we find that New England is solidly conservative throughout, often unanimously so and often when no other section is; the Middle Atlantic states are conservative in seventy-five per cent of the votes analysed; the East North Central states vote radically in fifty-nine per cent of the votes taken, and eighty-four per cent of these radical votes occur in years of business depression; the West North Central states are radical in seventy per cent of the votes, and seventy-seven per cent of these radical votes occur likewise in periods of hard times; the entire South is radical in eighty-four per cent of the votes analysed, usually by over a two-thirds majority, and in seven per cent there is an East and West division of the South into a conservative South Atlantic and a radical South Central group; the Mountain states are conservative in forty per cent of the votes, evenly divided in ten per cent, and radical in fifty per cent; the Pacific conservative in forty-six per cent, divided in ten per cent, and radical in forty-four per cent of the votes. Thus, according to the evidence of the votes, New England is ultra-conservative, the Middle states

conservative in three instances out of four, the East North Central states largely radical, especially in periods of depression, the West North Central states likewise by even larger percentages, and the Far West almost evenly divided.

Thus, sectionalism appears as a powerful determining factor in the congressional legislation of the seventies and eighties, as it has been the dominant factor in our political history ever since the days of colonial rivalry between tidewater and interior counties. There is abundant evidence of sectional conflict between the industrial centres and the agricultural regions of the country even in contemporary congressional politics. And the essential basis for such conflict remains the same for all periods, however its details may change with shifting social and economic conditions. So long as sections retain their differences of geological formation, natural resources, and economic interests, national policies must be the product of compromises and adjustments between sections, and sectionalism, or diversity in unity, must continue to be a fundamental condition of our national life.

## RAINFALL AND THE POPULIST PARTY IN NEBRASKA

JOHN D. BARNHART

The significance of Populism is being increasingly recognized.<sup>1</sup> In this day of independent voting, and of the "farm bloc," it is unnecessary to stimulate interest in this phase of American political, economic, and agricultural history. Although its term of life was short and turbid, its relation to other movements and questions gives it importance beyond that which it would otherwise enjoy.

Many have endeavored to explain its rise. To some it represented an outpouring of the dangerous elements of the frontier combined with the beginnings of socialistic and anarchistic tendencies in the cities. An English observer characterized the supporters of Bryan in 1896 as the "forces of political and social revolution."<sup>2</sup> A western editorial writer wrote that ninety per cent of the leaders of the Populist Party were "destitute of personal or political integrity" and classed them as "vagabonds, slanderers, and demagogues."<sup>3</sup>

<sup>1</sup> This is indicated by the growing number of recent writers, as, Solon Justus Buck, "The Agrarian Crusade," 1920, "The Granger Movement," 1913; Fred E. Haynes, "Third Party Movements since the Civil War, with Special Reference to Iowa," 1916, "James Baird Weaver," 1919, "Social Politics in the United States," 1924; Alex Mathews Arnett, "The Populist Movement in Georgia," 1922; John D. Hicks, "Origin and Early History of the Farmers' Alliance in Minnesota," *Mississippi Valley Historical Review*, IX, pp. 203-226; "The Political Career of Ignatius Donnelly," *Ibid.*, VIII, pp. 80-132; Hallie Farmer, "The Economic Background of Frontier Populism," *Ibid.*, X, pp. 406-427; Herman Clarence Nixon, "The Economic Basis of the Populist Movement in Iowa," *Iowa Journal of History and Politics*, XXI, pp. 373-396; Ernest D. Stewart, "The Populist Party in Indiana," *Indiana Magazine of History*, XIV, pp. 332-367; XV, pp. 53-74; Melvin J. White, "Populism in Louisiana during the Nineties," *Mississippi Valley Historical Review*, V, pp. 3-19.

<sup>2</sup> Goldwin Smith, "The Brewing of the Storm," *Forum* XXII, November, 1896, pp. 436-446. The author was a very conservative writer who felt that adequate military forces were necessary as protection from the danger.

<sup>3</sup> F. B. Tracy, "Is the Populist Party Socialistic?" *Forum* XVI, October, 1893, pp. 240-250. Mr. Tracy was an editorial writer of the Omaha (Nebraska) *Daily Bee*, a Republican paper.

A different and unique explanation of the election of 1890 in Kansas is given by W. E. Connelley in "Ingalls of Kansas." He quotes from the verse of Eugene F. Ware, which seems to embody some of the characteristics of Populism.

Hall<sup>4</sup> did not know what beat him.—'Twas  
Lack of moisture in the atmosphere. He  
Was the victim of climatic scarcity. My  
District expects me to produce territorial  
Humidity, and divide the rain-belt with  
The sea-board States. Ingalls could not  
Accomplish it. He therefore failed to be a  
Statesman. What has he done for Kansas?  
All she needs is rain. She having rain  
Has grain, and having grain had Ingalls.  
He could not make it rain, . . . and now we've got  
Him down.<sup>5</sup>

Between these extremes are other explanations that are more reasonable. Solon J. Buck found that a 'complex of social, economic, and political causes led to the third-party activity of the farmers. He emphasized the economic but omitted any adequate reference to geographic factors.<sup>6</sup> Frederic L. Paxson, in a very brief statement, gave more attention proportionally to the influence of rainfall.<sup>7</sup> A recent writer on the economic background of Populism explained the movement in Kansas, Nebraska, and the Dakotas as an outgrowth of the depression following 1887 and gave the drought as the "immediate cause" of the depression.<sup>8</sup> It has been suggested that present-day difficulties in the Dakotas are due in large part to climate and geographical factors.<sup>9</sup>

<sup>4</sup> James R. Hollowell, defeated Republican candidate for Member of Congress, 1890. Successful candidate was "sockless" Jerry Simpson, obviously the speaker in this quotation. Ingalls was the unsuccessful Republican candidate for senator, defeated by W. A. Pepper.

<sup>5</sup> "The Kansas Bandit, or the Fall of Ingalls," quoted by William Elsey Connelley, in *Ingalls of Kansas*, 1909, pp. 207-208.

<sup>6</sup> Solon Justus Buck, Works referred to note 1.

<sup>7</sup> Frederic L. Paxson, *Recent American History*, 1921, p. 168.

<sup>8</sup> Hallie Farmer, article cited, note 1.

<sup>9</sup> O. E. Baker, "The Agriculture of the Great Plains Region," *Annals of the Association of American Geographers*, XIII, pp. 110-167. See pp. 110-112.

These explanations raise the question as to the extent of the influence of rainfall. Some omit it altogether while others attribute very great importance to it. But even these latter are general and lack detailed analysis. Treatment of the influence of rainfall in various fields of activity have not supplied this detail.<sup>10</sup> In the absence of this, the relation between lack of rainfall and voting can be dismissed by the dubious as a coincidence.

Before attempting such an analysis in the limited field of Nebraska, it may not be improper to suggest that rainfall alone obviously does not offer a satisfactory explanation, and that, on the other hand, its importance is such that it should not be omitted. The problem, then, is to ascertain the extent of this influence in a complex of many factors. To do this one must consider the geographic and climatic conditions.

The Great Plains region of the United States includes all of the state of Nebraska with the exception of the eastern portion. This vast region lying between the Rocky Mountains and the Central Lowlands is generally classified as having more or less deficiency of rainfall. Within this region are smaller sections of considerable diversity both as to rainfall and as to conditions of life.<sup>11</sup>

<sup>10</sup> Various phases of the influence of rainfall have been discussed. The following may be interesting in this connection. E. Brückner, "The Settlement of the United States as Controlled by Climate and Climatic Oscillations," in the Memorial Volume of the Transcontinental Excursion of 1912 of the American Geographic Society of New York, 1915, pp. 125-139; H. Helm Clayton, "The Influence of Rainfall on Commerce and Politics," *Pop. Sci. Mo.* LX, 1901, pp. 158-165; Henry Ludwell Moore, "Generating Cycles of Products and Prices," *Quart. Jour. of Econ.*, XXXV, 1921, pp. 215-237, "Generating Cycles Reflected in a Century of Prices," *Ibid.*, pp. 503-526, "Origin of the Eight Year Generating Cycle," *Ibid.*, XXXVI, 1921, pp. 1-29; Alfred Judson Henry, "Secular Variation of Precipitation in the United States," *Bulletin of the American Geographic Society*, XLVI, 1914, pp. 192-201; Ellsworth Huntington, "Civilization and Climate," 1915, and "The Climatic Factor as Illustrated in Arid America," 1914.

<sup>11</sup> *The Annals of the Association of American Geographers* contains the following articles treating of this region. C. F. Marbut, "Soils of the Great Plains," XIII, No. 2, pp. 41-66; J. B. Kincer, "Climate of the Great Plains as a Factor in their Utilization," XIII, No. 2, pp. 67-80; H. L. Shantz, "The Natural Vegetation of the Great Plains," XIII, No. 2, pp. 81-107; E. O. Baker, "The Agri-

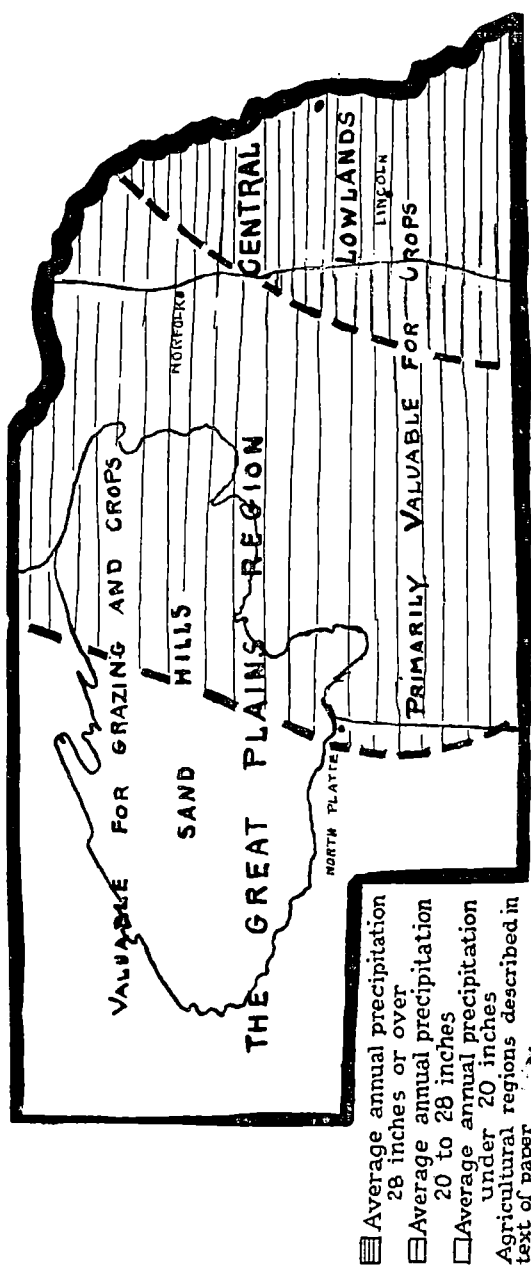
The most important agricultural region of Nebraska lies to the east of the Great Plains. Its western boundary (map I) may be roughly drawn from a point near the mouth of the Dakota River in a southerly direction, passing a little east of Norfolk and about thirty miles west of Lincoln and then curving slightly westerly in the direction of Concordia, Kansas. This boundary is not as distinctive as others farther west and only indicates slight differences which increase as one passes toward the west. The region lying west of this boundary, or the eastern portion of the Great Plains, is also an agricultural section, but one of less advantages than the land to the east. This agricultural region reaches westerly to a boundary of greater significance. In a rough way, for it is impossible to draw a sharp and exact line, it crosses the northern border at a point half-way between the hundredth and ninety-ninth meridians. It swings around the sand-hills, first east, then south and then west to North Platte, and thence almost due south across the southern border. West of this line grazing becomes of equal or greater importance than farming, and rainfall tends to be insufficient to insure successful farming of the type practised farther east. Within this western region are other sections of distinctive character, the more important of which is the sand-hills.

The average annual rainfall<sup>12</sup> of the eastern section measures

culture of the Great Plains Region," XIII, No. 3, pp. 110-167. They form a survey of the region in question and are very essential to the analysis attempted in this paper. See also E. H. Barbour, "Nebraska Geographical Survey," I, 1903. There is some divergence between the latter and the former on the color of the soil but not as to other significant facts.

<sup>12</sup> For the purpose of the present discussion the most convenient collection of statistics on precipitation in Nebraska is that prepared by G. A. Loveland, of the United States Weather Bureau, stationed in Nebraska from 1888 to 1924, in the Nebraska Blue Book, 1922, pp. 380-386. The divisions of the state are smaller and permit a closer analysis than is possible with the federal statistics. Records of individual stations and of the state, as divided into three sections, may be found in "Summaries of Climatological Data by Sections," I, United States Department of Agriculture, Weather Bureau, Bulletin W, Washington, 1912. See also, Alfred Judson Henry, "Climatology of the United States," United States Department of Agriculture, Weather Bureau, Bulletin Q, 1906; "Rainfall in the United States," United States Department of Agriculture, Weather Bureau, Bulletin D, 1897; Willis L. Moore, "Some Climatic Features





MAP I. PHYSIOGRAPHIC AND AGRICULTURAL REGIONS OF NEBRASKA

from twenty-eight inches to over thirty-two inches (map I). The eastern portion of the Great Plains region receives from twenty inches to twenty-eight inches. West of this the rainfall continues to decrease until at the western boundary of the state it is less than sixteen inches. It is a generally accepted fact that where the average annual precipitation is less than twenty inches the agricultural methods of the section farther east cannot be depended upon with success. Dry-farming is practised, but in many regions irrigation seems to offer the only dependable solution.

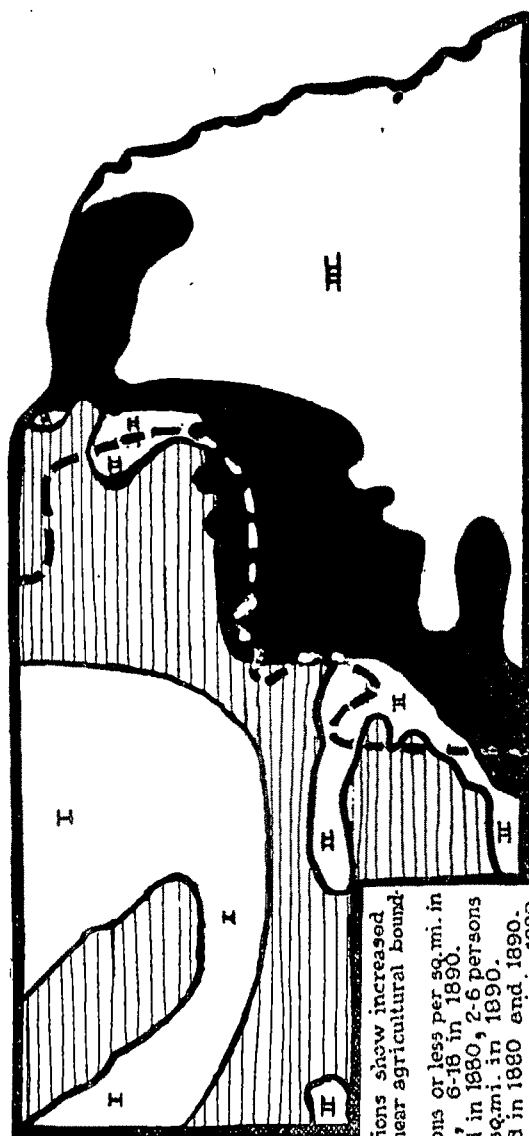
A high average for the crop-growing season modifies the effect of the low annual average. The same modification results from the low evaporation and run-off, and the holding capacity of the sandy soil. Water thus stored sustains crops even in periods of drought, provided it is not accompanied by hot winds, which are not infrequent.

Settlement in 1880 had covered most of the region in which farming is more important than grazing. During the following decade it pushed beyond into the region of less rainfall in which farming is less successful and grazing is more important (map II).

This advance coincides with a period in which the rainfall was generally above normal. Agricultural possibilities were thought to exceed actual conditions. It was believed that the rainfall was increasing as a result of increased cultivation.<sup>13</sup> Farming was

of the Arid Regions," United States Department of Agriculture, Weather Bureau, 1896; Joseph Allen Warren, "An Agricultural Survey of Nebraska," Annual Report of the Nebraska State Board of Agriculture, 1909, pp. 280-285; O. E. Baker, *op. cit.*, pp. 116, 120-123; and Robert DeC. Ward, "Climates of the United States," (now being printed). See note 13 for earlier discussions.

<sup>13</sup> Samuel Aughey, "Sketches of the Physical Geography and Geology of Nebraska," 1880, pp. 34-52, deals with rainfall and moisture. The author, professor of natural sciences, University of Nebraska, stated, "If the last two years only were taken into account, even there (North Platte) and almost to the west line of the state the rainfall would be estimated at thirty inches, . . . there will be that amount of rainfall over western Nebraska in the near future," (p. 35). Evidence and experiments were cited in support of this and the reasons for it set forth at some length. Maps were published showing the increase during the decade 1869-1879. The same author, in collaboration with Professor C. D. Wilber of the University of Nebraska, published the same views in "Agriculture Beyond the 100th Meridian," 1880. "The State of Nebraska and Its Resources,"



MAP II. SETTLEMENT IN NEBRASKA, 1880-1890, IN RELATION TO AGRICULTURE

Shaded portions show increased settlement near agricultural boundary line.

▨ 2-6 Persons or less per sq. mi. in 1880, 6-18 in 1890.

▨ Unsettled in 1880, 2-6 persons per sq. mi. in 1890.

▨ Unsettled in 1880 and 1890.

▨ 2-6 persons per sq. mi. in 1880 and in 1890.

▨ 6-18 Persons per sq. mi. and over in 1880 and in 1890

--- Agricultural boundary line marking in a rough way division between crop land and grazing land. See map No. 1.

attempted where normal conditions made its success very uncertain.

If the settlers had moved into the western part of the state, believing that rainfall was increasing, they were soon to be disillusioned. The year 1887 marked the beginning of a series of years in which rainfall was below normal. Portions of Kansas suffered from drouth two years later, and in 1890 Nebraska experienced a serious shortage of moisture accompanied by hot winds. A local writer has described the summer vividly but not too vividly in these terms: "Week after week, the hot burning sun glared down from a cloudless steel-blue sky. The dread hot winds blew in from the south. Day after day they continued. All fodder, small grain and corn were cut short. Where farming had been carried on extensively rather than intensively the yield amounted to preciously near nothing. The careful expert got some returns for his work, though small."<sup>14</sup> For the farmers who required a crop each season to make payments on their lands or upon the all-too-prevalent mortgages,<sup>15</sup> which had been placed on land, machinery, or stock, the situation was critical.

The year 1890 not only marks a low record in rainfall in Nebraska but also the end of unquestioned Republican supremacy. From 1866 to 1889 that party had carried every state election, its candidate for judge of the supreme court securing in 1881 seventy-three per cent of the total vote cast. A year later

issued by the state in 1879, stated, "The rainfall is ample" (p. 10) and gave figures for Plattsmouth in the eastern and wettest portion of the state as illustration. That such views were used in advertising may be seen by a pamphlet, "Statistics and Information Concerning the State of Nebraska," (see p. 12) published by the Missouri Pacific Railroad after 1891, when sufficient reason existed for doubting their validity. See also, George A. Loveland, "Climatic Conditions," in the J. Sterling Morton *Illustrated History of Nebraska*, Vol. I, pp. 12-17. Even the official federal documents as late as 1890 gave some encouragement to this view. "The Climate of Nebraska, Particularly in Reference to the Temperature and Rainfall and their influence upon the Agricultural Interests of the State," Washington, 1890. United States Documents No. 2687, p. 9. It stated that it was a mooted question whether the rainfall was increasing or not.

<sup>14</sup> H. W. Foght, "The Trail of the Loup, Being a History of the Loup River Region with some chapters of the State," 1906, p. 223.

<sup>15</sup> Fourteenth Census of the United States, XIV, Report on Real Estate Mortgages, 1895.

the Anti-Monopoly League and the Farmers' Alliance led a revolt under the banner of the Anti-Monopoly Party.<sup>16</sup> But the Republican candidate for governor received forty-nine per cent of the total vote cast for that office, while the Democratic candidate received thirty-two per cent and the Anti-Monopoly candidate nineteen. This was the poorest showing made by the Republicans before 1890.

Following 1889 the Republican Party did not enjoy so predominant a position. The Democratic candidate for governor in 1890 was declared elected, although it is doubtful whether he or the Independent candidate received the highest number of votes. The remainder of the Republican state ticket was elected. The Independent Party, which was a new creation that became the Peoples' Independent Party, controlled the state legislature and divided the congressional delegation with the Democrats. In the judicial election of the following year the Republicans won by casting forty-eight per cent of the vote, the Democrats practically abandoning the field to the Independents. In 1892 and 1893 forty per cent of the votes gave victory to the Republicans. Fusion between the Democrats and Populists began in 1894 and continued as late as 1916. The combination was strong enough to win in 1894, 1896, 1897, 1898, 1908, 1912, 1914, and 1916.<sup>17</sup>

The defeat of the Republican Party in 1890 was not confined to Nebraska and the reasons for the defeat were also national. However, the situation in the west contributed its share, and found expression in the new party, which entered the national election of 1892 as the Peoples' Independent Party, better known as the Populist Party.

<sup>16</sup> Orin G. Libby, "A Study of the Greenback Movement, 1876-1884," *Transactions of the Wisconsin Academy*, XII, Part II, pp. 530-543. This election is treated as the culmination of the Greenback movement in Nebraska. This is an error. The Greenback movement, which made very little impression on Nebraska, cast its largest vote in 1878, and in the Anti-Monopoly Party of 1882 the element of Greenbackism was practically negligible.

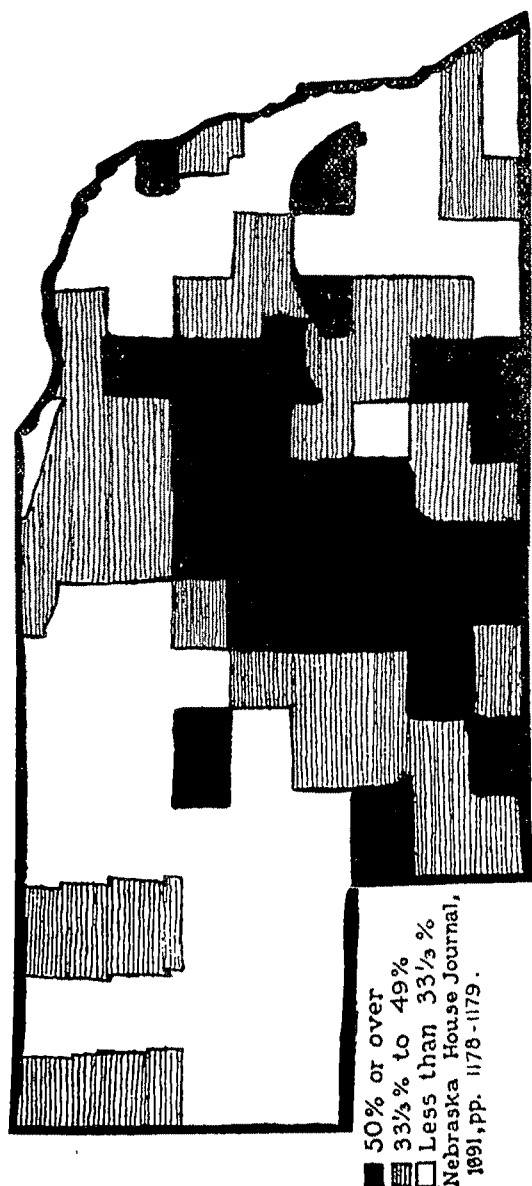
<sup>17</sup> The most convenient collection of election statistics is found in the Nebraska Blue Book, 1918, pp. 437-506. Unfortunately many errors characterize this publication, but the election returns are generally quite accurate. The returns for the even-numbered years are published in the journals of the state legislature and are preferable. For the other elections the Blue Book is the most available.

The Independent Party of Nebraska was the form taken by the revolt in that state. The factors which united in producing that revolt were not altogether national. A complex group of local conditions were of considerable significance. The more important factors were the transportation difficulties, the currency situation, the prices and marketing of farm products, the prevalence of credit and mortgages, a belief that the dominant parties were controlled by the railroads, and the crisis produced by the drouth of 1890.

The most obvious fact about the rainfall and the political revolt of 1890 is that the latter occurred in the year of lowest rainfall up to that time since 1875. The following year was characterized by a very heavy precipitation and by a large Independent vote. The Independent vote in 1892 and 1893 was as large proportionally as in 1890, although the rainfall was normal in the former and below normal in the latter. With fusion of the Democrats and Populists in 1894 and a more serious drouth than in 1890 the Republicans were defeated, but not overwhelmingly. Looking at the problem from this viewpoint one might conclude that the concurrence of the Independent vote of 1890 and the drouth was merely a coincidence.

Such a summary would be superficial if one stopped there. It is necessary to consider the rainfall and the voting in the various sections of the state. By consulting map III it will be observed that the Independent vote was comparatively light in the eastern portion of the state which belongs to the central lowlands and in which the rainfall is more plentiful. Although the divisions of the state used by the Weather Bureau do not conform to the geological and agricultural divisions, nevertheless, in the eastern portion the conformity is sufficient to indicate that the rainfall of this region, while below normal, was not sufficiently low as to cause disaster. Accounts in the newspapers substantiate this conclusion.<sup>18</sup>

<sup>18</sup> *The Farmers' Alliance*, official organ of the farmers' movement, gave much attention to the drouth. The *Nebraska State Journal*, conservative republican paper, in common with many other papers refused to consider the drouth as more than politics, but in its issue of August 17, 1890 it gave a crop report covering much of the state. It was beginning to recognize the severity of the drouth.



MAP III. INDEPENDENT VOTE FOR GOVERNOR IN ELECTION OF 1890. (PERCENTAGE OF TOTAL)

The portion of the state in which the Independent vote was largest lies to the west of this section and extends diagonally across the state from north-east to south-west. It is largely an agricultural region of less advantages than the eastern portion, and one of less rainfall, the annual average varying from eighteen inches in the south-west to twenty-eight inches in the eastern portions. It is in this region that a falling-off of precipitation has serious results, because its normal amount is not much above that required for agricultural purposes. The rainfall in this region in 1890 dropped below this level, especially in the south-west. It was largely here that the new settlers went during the eighties. They engaged in farming according to the methods used in more favorable regions and many of them were in debt for land, stock, or equipment. The annual rainfall following 1889, and excepting 1891, would seem to indicate that they had pushed too far into the drier regions, which are chiefly fitted for grazing or for farming with the aid of irrigation. The failure of rainfall in this region in 1890 would seem then to be one of the major causes of the political revolt.

Still farther west is a region less fitted for agriculture. Grazing is more important than farming except in favored localities in river valleys, and in irrigated sections. Here the rainfall in 1890 was very low but the decrease was not so great proportionally. Much of the aid expended by the relief committee and probably much of the suffering and hardships were in this section.

When the voting of this region is considered it is noticeable that the eastern portions of it gave a large vote to the Independents, which would seem to substantiate the conclusion reached in regard to the preceding section, that the lack of rainfall in that region where settlement had pushed beyond the safe agricultural limit into the drier section, was an important factor in the Independent movement.

In the remainder of the west the farmers were proportionally less numerous and the Independent vote was less than thirty-three and one-third per cent, except in Sioux, Sheridan, and Hooker counties. The lack of rainfall was not as serious in its effects upon the wild grasses of the range country as upon the crops of the



cultivated regions. The Independent movement, being so closely connected with the Farmers' Alliance, was a farmer's and not a rancher's movement. Other factors, such as the dependence of the remote regions upon the railroads, enter into the situation.

The significance of the lack of rainfall and the hot winds which accompanied it may be briefly summarized. In the eastern region where the drouth was not so severe, and in the western regions where grazing was more important than farming, and the drouth, though severe, did not prove so damaging to the cattle industry, the Independent vote was lighter. Where the new settlers had pushed beyond the safe agricultural region into the drier country the Independent vote was heaviest. In the southwest portion of the state the drouth seems to have been the most severe, and in the remainder of this region it probably affected a larger percentage of voters than in the less affected region to the east or the western region where the farmers were a less numerous factor in the population. We may conclude that the drouth was one of the significant local causes affecting the Independent movement.

Before leaving the question a further qualification is necessary. Political action was discussed at the annual meeting of the Farmers' Alliance held in January 1890, and again at a meeting of the state officers and representatives from each county held in May. At the latter meeting it was decided that petitions should be circulated and, if the response should warrant, a state convention would be called. In thirty days fifteen thousand voters signed the petitions and on June 28 a call was issued for a convention to nominate a state ticket. The convention met July 29. The election was held November 4.

The effect of the drouth was not felt until the month of July and its severity was not recognized until the latter part of that month. Its blighting effect was a matter of record before the election.

Comparing the time elements it is obvious that other factors than the drouth were responsible for the resort to politics, for political action was decided upon before the drouth. But its effect was in ample time to exert a strong influence in the casting

of the votes in 1890. To suggest that the farmer held the politician responsible for the shortage of rainfall would be an unwarranted exaggeration of the thoughtlessness of the voters. But it is quite another matter to suggest that the drouth in Nebraska made a bad set of agricultural conditions worse and that the politicians were held responsible for some of the conditions. Perhaps some held them responsible for most of them. The situation of many farmers forced them to think about the things that had brought about that situation. This contemplation resulted in a determination to remedy such matters as lay within their power. They could not make it rain, but they thought they could lower railroad rates. While the various factors may not be discussed here, the railroad situation will serve to illustrate the perspective. The farmers were already incensed at the treatment they were receiving from the railroads. The drouth not merely made the economic position of the farmer temporarily worse, but it put him in a receptive frame of mind for the arguments of the Independent leaders. There would have been an Independent Party in Nebraska in 1890 regardless of the rainfall, but the results of the election of 1890 were due, not merely to bad economic, political and social conditions, but to these conditions made worse by the drouth. The close coincidence between the lack of rainfall and the Independent vote makes it impossible to dismiss the relationship as a mere coincidence.<sup>19</sup> In estimating the factors which produced Populism the item of rainfall must not be omitted.

<sup>19</sup> A brief survey of Kansas and South Dakota seems to substantiate the conclusion reached in regard to Nebraska. The situation in South Dakota appears to have been very similar. In Kansas the Independent vote was more wide-spread than in Nebraska or South Dakota. The area where the Independent vote was the largest percentage of the total corresponds with similar areas in Nebraska and South Dakota.

## LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

**Amendments to State Constitutions 1923-24.** During the years 1923 and 1924, 214 amendments to state constitutions were submitted to the electors, 20 in 1923 and 194 in 1924. The latter includes the attempt at substantial revision of the Missouri constitution in the special election of February 26, 1924. Of these amendments, 99 were approved and 115 failed. Eight of the proposals were submitted by petition under the initiative, the remainder being referred after legislative action. The largest number of amendments voted on in one state was fifty-one in South Carolina. There were twenty-six in Missouri. California, as usual, stood high in the list with fifteen. Louisiana had thirteen. The other states submitted fewer than ten amendments.

There were twenty-nine proposed amendments awaiting action of the 1925 legislatures. Of these, eight were in Pennsylvania. In four states, proposals to call constitutional conventions were defeated by substantial majorities,—in New Hampshire, Pennsylvania, South Dakota and Tennessee. A similar proposal in Virginia, in 1922, was also overwhelmingly defeated.

The Missouri situation has already been commented upon in a previous number of the REVIEW.<sup>1</sup> Fifteen out of the twenty-one amendments submitted by the constitutional convention at the special election on February 26, 1924 were rejected. The only important amendment ratified dealt with the suffrage, striking out the provision permitting declarants to vote, and regulating registration in cities over ten thousand. At the regular election in 1924, however, the proposal to consolidate the city and county of St. Louis was ratified.

Most of the South Carolina proposed amendments were to exempt various local governments from limitations on bonded indebtedness, which were defeated by a consistent majority. However, the four measures which were approved were of considerable importance. The legislative session was changed from annual to biennial. Three other amendments changed the term of the governor, attorney general and

<sup>1</sup> 18 *American Political Science Review*, 329 (May 1924).

other state officers from two to four years. On the seven measures of major importance the voting was close, the change to four-year terms being carried by a few hundred votes.

In Vermont the four proposals accepted by the legislatures of 1921 and 1923, out of the nine suggested by the special commission of 1919, were all adopted with little opposition. However, only 17,642 persons voted at the special election of March 4, 1924 in contrast with 102,565 votes cast for the presidential candidates in November.<sup>2</sup>

As usual, most of the amendments dealt either with taxation or the structure of government. Nineteen amendments dealt with various aspects of taxation, twenty-eight with state government and twenty-two with local government. Suffrage requirements were voted upon in ten states and ten states also proposed soldiers' bonus, the exemption of veterans of the world war from a poll tax, or, in Texas, confederate pensions. The provision for a bond issue of \$35,000,000 for soldiers' bonus in Pennsylvania appears to have been omitted from the ballot in error. Oklahoma adopted a proposition to extend its bonus to women who have been in war service. In New York the proposition for a \$45,000,000 bond issue for soldiers' bonus was carried by a large majority in 1923. The Oklahoma bond issue of \$25,000,000, however, was defeated the same year, as was the Montana proposal in 1924.

In the field of taxation, California exempted airports or aviation fields from taxation and exempted all district improvement bonds. The amendment providing a general tax system for the state carried despite the failure of the proposition to extend the classified property tax to intangibles. Kansas ratified a provision for the classification of mineral products and intangible property, which has been made effective by the present legislature.

The proposal for an income tax in Michigan was overwhelmingly rejected at the special election on April 2, 1923. Florida adopted an amendment prohibiting income and inheritance taxes.

Motor vehicles continue to provide constitutional problems. Minnesota ratified the amendment authorizing a gasoline tax for state highway purposes by a vote of nearly three to one. Missouri, however, failed to accept a proposed change in the taxation of motor vehicles.

The extension of further rights to women was continued in Massachusetts, by the adoption, by a substantial majority, of two amendments, to enable women to hold public office and conferring full

<sup>2</sup> See the discussion by E. C. Mower, 17 *American Political Science Review*, 72 (Feb. 1923).

civil rights on women. In the suffrage field, Oregon approved the requirement of educational qualifications.

For highways, the chief provisions concerned issuance of bonds or additional taxation, the most important being the \$100,000,000 highway bond issue authorized in Pennsylvania in 1923.<sup>3</sup> Others were of minor importance.

Georgia, as well as South Carolina, voted to change from annual to biennial sessions of the legislature. Another important amendment in this field was the initiated proposal in Oklahoma, ratified at the special election of October 2, 1923, which authorized the legislature to meet without call by the governor for the purpose of impeaching public officials, and under which Governor Walton was impeached. Three attempts were made to increase the compensation of legislators, California ratifying and Missouri and Washington defeating the proposals. Changes in methods of legislative apportionment were defeated in three states, Arizona, Missouri and North Carolina, but adopted in Vermont.

Among the interesting subjects may be classed the Pennsylvania action in 1923, whereby the constitutional provision against the granting of free passes by public carriers was changed to exempt clergymen.

Further restriction of the rights of aliens was voted in Nevada. Hitherto the Nevada constitution has specifically guaranteed to foreigners, who were bona fide residents of the state, the same rights as native-born citizens in respect to the possession and inheritance of property. This provision was stricken out by a vote of 6,280 to 6,249.

Among the various amendments dealing with the structure of state government, increase in the number of members of the supreme court was voted in Arkansas but rejected in Missouri. On the whole, public sentiment appeared to be against structural changes, only seven out of twenty proposals being adopted. Colorado refused to create a state printer. Missouri refused to abolish the state board of equalization and New Mexico rejected the proposition fixing at four years the term of state office. Minnesota, however, ratified the proposals providing for a program of reforestation. The proposal that the state own and operate grain elevators was defeated in that state by a narrow margin.

Home rule for cities was adopted by two more states, New York and Wisconsin. The New York provision appears to be the most sweeping

<sup>3</sup> In Illinois a \$100,000,000 bond issue was approved on referendum in 1924, under the present constitution. In Virginia a proposed bond issue of \$50,000,000 for roads was defeated in 1923.

grant of local self-government yet conferred upon cities. The Wisconsin provision applies to villages as well as to cities.

In the field of special incorporated districts, Michigan, in 1923, authorized the incorporation of ports and port districts, with the intention, apparently, of pursuing the same methods as Oregon and Washington for the development of water terminal facilities.

Many other propositions were submitted to the voters by initiative or referendum. Probably the most important of these, in its effect, was the referendum in Massachusetts on the question of ratification of the child labor amendment to the federal constitution. It was defeated, 697,563 against; 241,461 for. While the vote was advisory only, 939,024 of the 1,213,396 voters recorded themselves thereon.<sup>4</sup>

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**Merit Systems of Civil Service in the States.** Of the two million civil service employees in the United States, about one-third are working under the merit systems of the national, state, and local governments. Until the last decade, merit systems had made but little progress in the various state services, as compared with the advances that were made in the national government and in the municipalities. Although New York established the merit plan within four months after the enactment of the national Civil Service Law of January 16, 1883, and Massachusetts followed suit the next year, no other state did so until 1905 when Wisconsin inaugurated the plan. During the next two decades, however, this movement advanced appreciably. Eight other states have adopted state civil service laws; and from time to time the state laws have been extended and improved, until there were eleven state, three county, and 233 city civil service commissions. Two of these state commissions have subsequently been abandoned.<sup>1</sup>

<sup>4</sup> For a comprehensive discussion of the initiative and referendum features of the 1923-24 elections see *Bulletin* 97, National Popular Government League, February 1, 1925, edited by Judson King. See also table of notes in constitutional amendments and other measures submitted to popular vote in 1924, in *Political Science Quarterly*, Supplement for March, 1925.

<sup>1</sup> The states adopted the merit system in this order: New York, 1883; Massachusetts, 1884; Wisconsin, 1905; New Jersey, 1908; Illinois, 1905, extended 1911; Colorado, 1912; Ohio, California, Connecticut, 1913; Kansas, 1915; Maryland 1905, extended 1920. The Connecticut Civil Service Commission was abolished by legislative act in 1919. The Kansas Legislature of 1921 failed to appropriate for the state commission, so that the merit system of Kansas ceased to function.

The state civil service commissions have been classified, according to the legal conditions of control, into three categories. The first class includes those that recruit and control employees for the state government only, as in the case of California, Colorado, Illinois, and Wisconsin, and for a time Connecticut and Kansas; second, commissions that recruit and control employees for the state government and also for the municipal governments and other subdivisions of the states. Massachusetts, New Jersey, and Maryland are included in this list, the Massachusetts commission functioning in cities, while the Maryland and New Jersey commissions have jurisdiction over any of the state's subdivisions, whether municipal or county, which have adopted the act. Third, commissions that recruit and control employees for the state government, including the counties, and also have the power to investigate and to supervise the administration of the civil service law in the various political subdivisions of the states. New York and Ohio are in this class.<sup>2</sup>

Municipal civil service commissions are made mandatory by constitutional provisions or by statute in New York and Ohio, and are subject to supervision by the state commission, but they do not constitute a technical part of the state civil service. The Massachusetts commission has jurisdiction over thirty-five cities.

The recent development of the merit system of civil service in the states and the effect of that development on other states may be indicated by various state constitutional amendments, legislative acts, governors' messages, reports of civil service commissions, and unofficial studies. The problems which have enlisted most study include those pertaining to publicity, recruitment, standardization and classification of positions, efficiency ratings, compensation, education, recreation, promotion, transfers, and retirement.

*Constitutional Amendments.* The 1894 Constitution of New York (Art. V, Par. 9) stipulates that "appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive." Almost in these words, this same

in 1922, leaving only nine states maintaining the merit plan. The county commissions are those of Los Angeles, Milwaukee, and Cook County (Chicago).

<sup>2</sup> Procter, A. W., *Principles of Public Personnel Administration*, p. 195. A similar classification of the municipal civil service commissions is given on pp. 196-200.

principle was expressed in an amendment to the Ohio Constitution in 1912. Colorado, in November, 1918, adopted a constitutional amendment providing for the merit system of civil service which the state supreme court has decided is self-executing. This amendment was adopted by popular initiative and was the culmination of a long struggle, as previous efforts had been made ineffective by the interpretation of the courts or by the legislatures in withholding appropriations.<sup>3</sup>

The Colorado amendment provides that: "Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service of the State shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person ascertained to be the most fit and of the highest excellence to be first appointed. All appointees shall be qualified electors of the State of Colorado, except for those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which cases competitive tests need not be limited to qualified electors and may be held without the State."

In addition, the Colorado amendment contains so much detail pertaining to the merit system that it might well serve as a statute or even as an administrative ordinance. Thus, standardization of the service is required by the requirement that the personnel "shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after opportunity to be heard." All appointive public offices and employees are included in the classified civil service, excepting judges of courts and their clerical assistants, persons appointed to perform judicial functions, receivers, jurors, members of boards and commissions, who are appointed by the Governor and who serve without pay, members

<sup>3</sup> For a discussion of the constitutional basis of state civil service, see Dr. Ben A. Arneson: *Constitutionality of Merit System Legislation*, in *American Political Science Review*, XIII, (1919) pp. 593-606. The theory, principles and practice of state civil service organizations is treated fully in B. F. Wright's monograph on *The Merit System in American States with special reference to Texas*, University of Texas Bulletin No. 2305, (1923), pp. 1-114. On the general position of "The Civil Service in the Modern State," see article by Herman Finer in the *American Political Science Review*, XIX, 277 (1925).



of certain other commissions, the Governor's confidential employees, appointees to fill vacancies in elective offices, educators, and employees of the legislature.

The amendment further stipulates that a state civil service commission shall be established by law to consist of three members, appointed by the governor for six-year terms. The commissioners "shall be persons of known devotion to the merit system." The commission is granted power over the alteration and rescission of rules, "the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service and the determination of the grades of all positions in the classified service."

At the legislative session of 1919 the amendment was put in operation, the commissioners were given salaries of three thousand dollars a year, and were authorized to "subpoena witnesses, administer oaths, compel the testimony of witnesses, and the production of books, papers, and records relevant to such inquiry." Applicants for examination pay the commission one dollar and all such fees are paid into the state treasury daily. The eligible lists and the minutes of the proceedings of the commission are to be kept open to public inspection at all reasonable times.<sup>4</sup>

The report of the Pennsylvania Commission on Constitutional Amendment and Revision to the 1920 legislature recommended a provision similar to that in New York and Ohio, that "appointments and promotions in the civil service of the State government and of municipalities shall be according to merit and fitness to be ascertained, so far as practicable, by competitive examination."

*Statutes.* The merit system was considerably extended in Massachusetts, when the 1918 legislature provided public hearings for civil service employees who were subject to transfer, reduction or removal, this law applying to policemen.<sup>5</sup> In 1919, cities and towns were authorized to make appointments and promotions in the police forces on the basis of competitive civil service examinations only, except in case of emergency appointments; and all "appointments to the position of assistant registrar of voters in Boston for regular and permanent assignment to work in the office of the election department" were also subjected to civil service regulations.<sup>6</sup> In the same year the former civil

<sup>4</sup> *Colorado Session Laws* (1919) p. 143.

<sup>5</sup> *Massachusetts Acts* (1918) p. 131.

<sup>6</sup> *Ibid.* (1919) Chaps. 349-350.

service commission was abolished, and a new department of civil service and registration was established, with a commissioner and two associate commissioners for the division of civil service. During the following year, an unique provision was enacted which demanded that the "application of a citizen of the commonwealth for employment in any department of the commonwealth or of any political division thereof or in any department of a street railway company," that was aided by the state, should "not be affected by the applicant's national origin, race or color."<sup>7</sup>

Efficiency records were provided in 1918 for the New Jersey civil service commission, to be used "as a basis for the determination of the relative efficiency of the candidates seeking promotion to the higher grades of the service." The commission is authorized "to prepare classifications and suggest standards of salaries or wages to be paid officers and employees filling offices, positions and employments in the classified civil service of the several counties and municipalities which have adopted the provisions of the Civil Service Act. Such classification and salary standardization shall provide definite specifications and standards of services, grades, duties, qualifications, titles and definite regulations governing increase of compensation or rates of wages based upon length of service, meritorious action and efficiency, lines of promotion through the different grades of each of the services, and other matters which will aid the separate governments in establishing uniformity and modern business methods in public employment."

The commission may also "establish official Civil Service Personnel Committees for each class of service in the State Departments, consisting of departmental officials and bureau and other administrative aids, as designated by the heads of departments, boards, commissions and institutions, which committees shall meet with, advise and suggest to the State Civil Service Commission such changes or additions in the specifications for personal service as may be found necessary and practicable, and on the schedules of compensation or rates of wages for the offices, positions and employments in the State classified service as adopted by the State Civil Service Commission."

Another auxiliary was provided in the creation, under the jurisdiction of the commission, of the bureau of personnel service, standards and records. The function of this bureau is to "collect and analyze information and data on the work requirements, duties, responsibilities, qualifications and tenure of incumbents of offices, positions and employ-

<sup>7</sup> *Ibid.*, (1920) pp. 347, 492, 528, 518.

ments within the state classified service, with a view to maintain and keep up-to-date the classification schedules and standard specifications of services, grades, titles, duties, qualifications and compensation or rates of wages for such offices, positions, and employments; to appraise the value of such duties and services; to develop and maintain efficiency standards and records, and coöperate with administrative officials in maintaining such efficiency records; to render possible definite proof of meritorious service for use in supervisional control and in recommending advancement and promotion of officers and employees, and to furnish expert aid to legislative and departmental officials on matters relating to employment, departmental organization and administrative management."<sup>8</sup>

From the jurisdiction of this personnel organization was exempted certain classes of officers, such as those elected by popular vote or appointed by the governor, the legislative employees, law officers and teachers. In 1919, however, the accountants and auditors of the comptroller of the treasury were placed under the supervision of the commission.<sup>9</sup> In 1920 the office of county adjuster was classified, and the commission was empowered to publish in the newspapers "notices containing the names and locations of such educational institutions as shall provide and conduct classes or courses in subjects pertaining to public service."<sup>10</sup>

In Maryland the 1920 legislature enacted a merit system law, administered by a state employment commissioner who is appointed by the governor for a term of six years with a salary of five thousand dollars a year. He is removable by the governor for neglect of duty. The Maryland commissioner's duties are elaborate and they are at once executive, quasi-legislative and quasi-judicial.<sup>11</sup> He designates examiners to conduct competitive examinations, and he controls the examinations which for some positions may take the form of mechanical demonstrations. Previous experience and education may be accepted as a part of the examination if the commissioner so desires. From the list of eligibles vacancies are filled by the appointing powers.

The commissioner establishes classes of state civil service employees and classifies all of the positions that are in the classified civil service.

<sup>8</sup> New Jersey Session Laws (1918) pp. 94-95, 158-159, 245, 776.

<sup>9</sup> *Ibid.* (1919) pp. 361-362.

<sup>10</sup> *Ibid.* (1920) pp. 181, 370, 331.

<sup>11</sup> Fred Telford, "The One Man Civil Service Commission in Maryland," *National Municipal Review*, XII, No. 7 (1923) pp. 358-362.

Whenever necessary he must "establish additional classes and classify therein new positions created, and may combine, alter or abolish existing classes. Each such class shall embrace all positions similar in respect to the duties and responsibilities appertaining thereto and the qualifications required for the fulfillment thereof and shall be given a classification title indicative of the character and rank of the employment. The classification title thus prescribed shall be observed in all records and communications of the commissioner, comptroller and treasurer. Employees shall assume the classification titles of their respective positions. Any change in the duties of a position, if material, shall operate to abolish it and create a new position which shall be classified."

He must by rule prescribe standards of performance for positions and he "may prescribe the form and scope of the records that the appointing authorities shall keep of the actual performances, output, and conduct of employees as a basis for the determination of the efficiency of such employees." He must recommend to the governor schedules of compensation for each class of employees and must report "to the governor the rates being paid for similar services elsewhere, in public and private service, together with other information pertaining to a proper rate of compensation."

Transfers of employees are regulated by the commissioner, but "no employee shall be transferred from a position in one department to a position in another department without the consent of the respective appointing authorities" and "no employee shall be transferred from a position in one class to a position in a different class whether in the same or in a different department" unless it be either as a promotion or as a demotion. Vacancies are to be "filled by promotion as far as is consistent with the best interests of the classified service in the judgment of the commission" and "an employee may be permanently separated from the classified service through resignation, rejection on probation, or removal, and may be temporarily separated through layoff, suspension, or leave of absence."

The governor in his discretion may place certain offices in the classified civil service, whereupon such positions can not be removed from the classified service except by an act of the legislature, but emergency appointments may be made for a limited period to prevent the cessation of business.

With the approval of the governor the commissioner may prescribe rules for the government of the service and such rules have the effect

of law. When charges are brought against a civil servant, the commissioner may adjudicate the case. Any municipality or county of Maryland that adopts the merit system of public service may avail itself of the facilities of the commissioner.<sup>12</sup>

New York made competitive the positions of chief game protector, deputy game protector and inspectors in 1920. The directorship of the state psychiatric institution was made appointive after a special civil service examination. The state civil rights law was amended by the provision that "a citizen shall not be deprived of the right to appeal to the legislature, or to any public officer, board, commission or other public body, for the redress of grievances, on account of employment in the civil service of the state or any of its civil divisions or cities." Protection for the personnel was further extended in the pronouncement that whenever a position in the competitive service is abolished the employee shall be considered suspended without pay, and shall be entitled to reinstatement in a similar position in case of a vacancy within two years.<sup>13</sup> In 1922 New York provided for promotion within the competitive class of positions.

Between 1919 and 1925 several states enacted laws pertaining to special phases of the civil service. For instance, the Illinois legislature of 1919 exempted from the classified service fourteen different classes of state employees.<sup>14</sup> Wisconsin promulgated a broad principle in 1919 by enacting that "the civil service commission may, through special action, open competitive examinations to residents of other states who are citizens of the United States and who have fulfilled" certain preliminary requirements.<sup>15</sup> Kansas in 1921 modified the inclusion of positions in the unclassified service.<sup>16</sup> Ohio provided, in 1921, for the transfer of civil service employees from former positions under the Administrative Code to corresponding positions that were created by the reorganization of the state administration.<sup>17</sup> Arkansas enacted in 1921, that "sex shall not be a bar to the holding of any public or civil office" in the state and asserted that the act was "necessary for the immediate preservation of the public peace."<sup>18</sup> The 1921

<sup>12</sup> Maryland *Session Laws* (1920) Ch. 41, pp. 75-89.

<sup>13</sup> New York *Session Laws* (1920) pp. 574, 492, 498.

<sup>14</sup> Illinois *Session Laws* (1919) p. 291.

<sup>15</sup> Wisconsin *Session Laws* (1919) p. 177.

<sup>16</sup> Kansas *Session Laws* (1921) p. 440.

<sup>17</sup> Ohio *Legislative Acts* (1921) pp. 132-133.

<sup>18</sup> Acts of Arkansas (1921) pp. 65-66.

legislature of Hawaii enacted that no person "who is an attorney at law licensed to practice in any court of the territory" shall be eligible to service as a member of the Honolulu civil service commission.<sup>19</sup>

In 1922 the legislature of New Jersey directed the civil service commission to classify positions with standardized remunerations for persons who fill "employments jointly under two or more boards of chosen freeholders of counties," which have adopted the provisions of the civil service act. These classifications shall provide particularly for all "matters which will aid the separate governments in establishing uniformity and modern business methods in public employment and to further strengthen and simplify civil service administration through the State."<sup>20</sup> When these classifications are filed with the clerks of the boards of chosen freeholders, they shall be binding upon such boards.

A civil service commission for cities of the first class that had not been operating under the general law (Boise) was provided by the 1923 legislature of Idaho.<sup>21</sup>

Certain administrative improvements have been urged for the civil service of the Philippines, and vigorous efforts have been made for the adoption of the merit system in several other states, especially in Pennsylvania, Kentucky, Arkansas, Arizona, New Mexico, Nebraska, Minnesota, and North Dakota. In some of these states the governors have been particularly aggressive toward these ends.

In 1924 the legislative assembly of the British colony of Barbados passed "an act to establish a graded and incremental system for the employment and remuneration of the public officers forming the clerical staff of the civil service."

*Governor's Messages.* Several governors have given consideration to state civil service in their messages to their respective legislatures. In 1917, Governor Martin S. Brumbaugh of Pennsylvania declared that until "we have this means of securing dependable and continuous public service we shall not be able to conduct the public business as wisely as its importance requires. Too much of the time of the Executive is taken up with the claims and demands of office seekers. It were better to have this time for constructive service, leaving it to some capable agency created by law to secure the best agents for the public service."

<sup>19</sup> Territory of Hawaii *Session Laws* (1921) p. 177.

<sup>20</sup> New Jersey *Session Laws* (1922) p. 200.

<sup>21</sup> Idaho, *Session Laws* (1923) Ch. 128.

Governor Walter E. Edge of New Jersey recommended on January 8, 1918, "a merit system that will sturdily withstand all corrupting influences. The legislation should be broad enough to encourage efficiency in state service by providing an equal opportunity for all." The governor desired that such legislation should conform to the report of the civil service commission. In 1919, Governor William P. Hobby of Texas recommended the creation of a state civil service commission with extensive administrative jurisdiction. Governor Oliver H. Shoup of Colorado, in his inaugural address of January 14, 1919, recommended the "enactment of a law establishing a Civil Service Commission and enforcing the provision of the Constitutional Amendment concerning civil service, adopted at the recent election."

In his message of January 7, 1920, Governor Alfred E. Smith of New York suggested that where new positions are created "to take charge of new activities," that fancy titles be not given to those positions which give rise to contentions and that seek "to have the place exempted from competitive service."

Governor Everett J. Lake of Connecticut stated in his inaugural message of 1921 that Connecticut had a civil service law which was "unsound in its basic principles, and self annulling in its actual operation." He, therefore, would have the act repealed or amended "in such a way that it would be workable and effective." Governor Thomas C. McRae of Arkansas stated, in his inaugural address of 1921, that the "practical way to purify politics in this state is to place beyond the reach of political machines the great spoils system now represented by the different commissions in this state." Governor S. R. McKelvie of Nebraska recommended in 1922 that a system of limited civil service be adopted for the administrative code departments.

In 1923 Governor A. J. Groesbeck of Michigan suggested both a merit system and an eight-hour day law for state employees. In Colorado the administration of the Colorado civil service law was severely condemned by Governor Sweet in his message to the 1923 legislature in which he recommended the repeal of the law, but apparently the major defects of the system were subsequently corrected to his satisfaction.

A recent article in the *National Municipal Review*,<sup>22</sup> by H. W. Dodds, discusses the actions of Governor Pinchot of Pennsylvania in relation to the merit system in that state.

*Reports of Commissions.* The New Jersey state civil service investigation committee reported to the legislature in 1917 recommending

<sup>22</sup> Vol. XIV, 220 (April, 1925.)

that the commission be reorganized so as to be composed of three members appointed by the governor for a term of three years, the president of the commission to receive \$5,000 a year and devote his entire time to the work of his office, and no member of the commission to hold any office in any political organization.

Some of the recommendations of the committee were later enforced by a report on classification and salary standardization of the personnel service of the state. This was prepared by J. L. Jacobs and Company of Chicago at the request of the New Jersey state civil service commission. The recommendations purposed to "have the effect of (1) stabilizing employment within departments; (2) reducing labor turnovers; (3) increasing the attractiveness of public service to a high grade of workers; and (4) increasing the workers' incentive for efficient service."

The report recommended "that the Legislature recognize the principle of uniform compensation and salary advancement, based on meritorious service and seniority, for all offices, positions and employments in the State Classified Civil Service, having substantially similar duties, responsibilities and work requirements;" that the civil service commission have "the power to establish and maintain the classification, schedules and standard specifications of services, grades, titles, duties, responsibilities, qualification requirements and lines of promotion for all offices" that are in the classified service and that a bureau of personnel service standards and records be created under the jurisdiction of the civil service commission; that civil service personnel committees be established "consisting of departmental officials and bureau and other administrative aids as designated by the heads of departments, institutions or commissions," to assist the civil service commission in enforcing the law and the rules; that "the Legislature pass an act providing for the establishment of free training courses in public service administration for present and prospective employees in the State, county and municipal service;" and that "consideration be given to the establishment of a scientific pension system for all employees in the public service within the State."<sup>23</sup>

Since the merit system was established in Ohio in 1912, various efforts have been directed toward making its operation more efficient. The civil service commission of 1917 approved a plan for classification and standardization of the Ohio state service. The commission reported in 1918 that all the positions in the state service had been

<sup>23</sup> Report on the Classification and Standardization of the Personnel Service in the New Jersey State Government (1917) p. 7.



"classified and graded according to vocation, function, degree of responsibility and difficulty." Requirements for promotion within the service as well as entrance thereto had been standardized and applied in practice. Salary schedules had been "established through legislative enactment, covering all groups of the clerical service and the engineer group of the professional and scientific service." In the budget, appropriate and descriptive titles had been applied to all of the classified positions. An organization of trained civil service workers had been realized and were to be retained from year to year. Information concerning the duties of the various positions had been made available to every citizen of the state.

That this plan had encountered formidable obstacles during the succeeding year is suggested in the commission's assertion that the "fundamental difficulty that confronts every civil service commission is not that of devising means to discover ability as satisfactorily as it can be discovered beforehand by any employing organization, but that of securing coöperation of appointing officers generally, and avoiding antagonisms frequently arising out of attempts to avoid the use of material recruited by the Commission, and to appoint persons without regard to the law."<sup>24</sup>

A report on the Ohio state civil service commission, submitted to the joint legislative committee on administrative reorganization in 1920,<sup>25</sup> indicated wherein the commission was not operating "in accord with the generally accepted principles of employment agencies in private business" and was "not properly functioning on a basis of existing laws." It proposed a reorganization of the civil service commission into two divisions: administrative and examining. The administrative division would be subdivided into a publicity bureau and a record bureau. The examining division would embrace an examining bureau and a bureau of classification. The legislature was urged to amend the law so as to "take the labor service from civil service jurisdiction; include a schedule of salary standards and rates in the classification; eliminate the veteran preference clause from the present law; and from future law; make investigations of charges leading to dismissal, prior to the act of discharge, rather than after; make the civil service commission the clearing agency for civil service matters in the state."

<sup>24</sup> Sixth Annual Report of the state Civil Service Commission of Ohio (1918) pp. 4-5.

<sup>25</sup> This report was prepared by Dr. L. D. Upson, of the Detroit Bureau of Government Research, and Mr. Harrington Place.

The commission was urged to "revise the classification and specifications; develop a system of service records and ratings; . . . keep eligible lists cleared on the basis of availability for employment by the state or the counties; prepare a census of state and county employees under its jurisdiction." Since personal service "represents about one third of the state budget, and the civil service commission has more data relevant to personal service than any other state agency," it was recommended that the commission be given "ample opportunity to be heard in the preparation of budgetary requests for personal service, before both the governor and joint legislative committee on budget." It was suggested that the public service could be made more attractive as a vocation not only by adequate salary and tenure of office, but also by adequate opportunity for recreation, personal improvement, promotion, and by pension funds.

In harmony with these suggestions the examination division and the efficiency division were combined in 1920, and placed under the supervision of the assistant chief examiner. The commission reports its opinion that "the Army Psychological Test in the present form is useless for general practical purposes, but that it is the beginning of the practical application of psychology which will eventually result in the formulation of tests and methods for the discovery of certain definite qualities which may be set up as constituting essential elements in the fitness of individuals for certain lines of work."<sup>26</sup>

The California civil service commission recommended in 1918 that the Civil Service Act be amended so as to include the employees of the railroad commission and it "earnestly recommended that there be submitted to the voters" of California "a constitutional amendment incorporating the essential principles of the Civil Service Law, providing for its administration and enforcement, and making it applicable to all departments of the state government, to the end that civil service may be placed beyond attack and in no manner overthrown, and that the people themselves may have opportunity to safeguard and protect this principle of government."<sup>27</sup>

The Virginia commission on economy and efficiency recommended in 1918 "that the General Assembly enact legislation to establish a civil

<sup>26</sup> Eighth Annual Report of the State Civil Service Commission of Ohio (1920) p. 5.

<sup>27</sup> Third Biennial Report of the California State Civil Service Commission (1918) p. 9.

service system to apply to all State departments, institutions, and agencies."<sup>28</sup>

The reconstruction commission of New York recommended in 1919 that all positions in the department of audit and control, below the deputies, be classified in the competitive service unless they were of a confidential nature.<sup>29</sup> In the 1920 report of the New York civil service commission, statistics as to the need of the merit system showed that there were 68,677 persons in the state who occupied positions that were "considered as coming within the range of competitive examinations and receive pay for personal service in state, city, county, and village employ" excluding "elective and higher appointive officers, teachers, and manual laborers."<sup>30</sup> This is about one in every 100 of wage-earning age.

Some of the activities of the commissions have been unique. In 1918, the Connecticut commission coöperated with the state bank department in securing qualified persons to take positions in the banks.<sup>31</sup> The Massachusetts commission held an examination in 1919 for blind dictaphone operators.<sup>32</sup> In 1920, it introduced the practice of giving oral examinations "to determine the personality and fitness of applicants for positions where personality is an important factor;"<sup>33</sup> and the results obtained were so satisfactory that the practice was continued.

By amendment to the civil service rules and to the commissioner's official rulings, the merit system was further extended in Massachusetts.<sup>34</sup> All women laborers employed in the departments of the Commonwealth were placed under the civil service. In July 1920, the commissioner ruled that "the clerks and stenographers employed in the registries of probate and paid by the commonwealth were under civil service, and the attorney-general has recently given an opinion which sustains this ruling. This brings under civil service for the first time about one hundred positions in counties. All further appointments must be made after examination and certification from the civil service lists. For many years the civil service commission has recom-

<sup>28</sup> Report of the Virginia Commission on Economy and Efficiency, (1918) p. 43.

<sup>29</sup> Report of the New York Reconstruction Commission on Retrenchment and Reorganization in the State Government (1918) p. 15.

<sup>30</sup> New York Civil Service Commission Report (1920) pp. 9-10.

<sup>31</sup> Fourth Report of the Connecticut State Civil Service Commission (1918) p. 6.

<sup>32</sup> Thirty-sixth Annual Report of the Civil Service Commission of Massachusetts, (1919) p. 16.

<sup>33</sup> Annual Report, Commissioner of Civil Service of Massachusetts, (1921) p. 9.

<sup>34</sup> *Ibid.*, p. 11.

mended to the legislature the classification of all county employees, and bills have been presented but have not passed," and the commissioner declares that "there seems to be no good reason why all county positions should not be under civil service as well as State and municipal positions."<sup>35</sup>

The matter of transfer from one bureau to another was determined in the Philippine Islands in 1918, when the Governor General authorized the chiefs of bureaus to refuse permission to employees to seek such transfers, but the chiefs may allow transfers if no change in salary is involved.<sup>36</sup> The following year Director Angell, of the civil service, reminded the chiefs of bureaus that "no person in the Philippine civil service shall use his official authority or official influence to coerce the political action of any other person or body."<sup>37</sup>

In their first annual report, the civil service commission for Ontario stated that it is "anticipated that a classification of the Service, based on the duties and responsibilities of the employees, will be undertaken in due course. It is felt that a proper classification will tend to make possible the standardization of salaries and the application of improved methods of organization and administration."<sup>38</sup>

After a study of various civil service commissions in the United States, the committee on civil service of the Governmental Research Conference proposed that commissions be selected primarily "on grounds of experience and fitness for personal management" without reference to partisanship, but where a commission is composed of three members one should be appointed by the chief executive and the third should represent the employees. It was further suggested that for consultation purposes an advisory board be appointed which would equally represent the administrative officials and the rank and file.

The National Assembly of civil service commissions, in their annual meeting in 1919, studied the problems of examinations, standardization of civil service reports, efficiency ratings, and the work of civil service commissions, and resolved in favor of the creation of "a service bureau, under the joint control of the National Civil Service Reform League."<sup>39</sup>

<sup>35</sup> *Ibid.*, pp. 11-12.

<sup>36</sup> Twentieth Annual Report of the Bureau of Civil Service to the Governor-General of the Philippine Islands (1920) p. 97.

<sup>37</sup> *Ibid.*, p. 99.

<sup>38</sup> First Annual Report of the Civil Service Commission for Ontario (1918) p. 8.

<sup>39</sup> Report, Thirteenth Annual Meeting of the Assembly of Civil Service Commissions (1920) p. 25.

This ideal was realized in 1922 through the creation in Washington, D. C., of the Bureau of Public Personnel Administration.

At the 1921 meeting of the Assembly, much attention was given to the means of securing more civil service legislation, and to the problem of veteran's preference in the civil service of the various states.<sup>40</sup>

*Bureau of Public Personnel Administration.* Of the efforts of private persons to coöperate with public officials in the improvement of the existing merit systems, the activities of the Bureau of Public Personnel Administration of Washington, D. C., are of special importance. Established in 1922 as the result of an effort originating in 1919 at the fourteenth annual meeting of the Assembly of Civil Service Commissions at Rochester, which was referred to above, this private agency operates under the direction of the Institute for Government Research in co-operation with an advisory board representing the Assembly of Civil Service Commissions, the United States Civil Service Commission, the National Civil Service Reform League, and the National Research Council. Its descriptive bulletin expresses that the purpose of the Bureau is:

"1. To serve as a clearing house for existing information relating to personnel administration in the public service, national, state, county, and local.

"2. To develop and improve methods of personnel administration through the conduct of original investigations and experiments.

"3. To publish the results of its work in such form as experience may demonstrate to be most effective for the improvement of the personnel administration of the public service."

During its first year of operation, the principal activities of the bureau consisted of rendering requested advice to various civil service commissions in the United States and Canada upon such technical questions as basic legislation, rules of commissions, organization and staffs of commissions, files and records, classification and compensation plans of public service, examinations, efficiency ratings, leaves of absence, and removals. Intensive studies were made of intelligence tests and the personal administration of private industries, and monographs upon these and kindred subjects were subsequently issued. These

<sup>40</sup> A concise summary of legislation for veteran preference in the civil service of the various states and of Australia and Canada, compiled by May Bradford Upshaw, is published in the proceedings of the Assembly (1920) pp. 111-118. A more recent compendium is that compiled by the Bureau of Public Personnel Administration, Washington, D. C.

investigations indicated that, once the civil service commission has been established, the major technical problem is the perfection of the detailed administrative procedure. Principles of this technique have been studied by the bureau with a view to helping the commissions develop sound employment methods.<sup>41</sup> Results of these investigations are being published in a regular series of *Public Personnel Studies*.

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#### **Report of the Borah Committee on Campaign Expenditures.**

The special Senate committee appointed on June 3, 1924 to investigate expenditures in the campaign which was then approaching,<sup>1</sup> submitted its report to the Senate, February 3, 1925, through its chairman, Senator Borah.<sup>2</sup> The report contains a good deal of interesting information about the receipts and expenditures of the different party committees. Twenty-two pages are devoted to an enumeration of the names of all persons who contributed \$1,000 or more to the national party campaign funds. The committee endeavored to ascertain the amount collected and expended by the many state committees, and in the report present a tabulation which shows the sums collected, the sums expended, the sums received from the national committees, and the sums sent to the national committees by the various party state committees. The tabulation is not complete, but it gives figures for 43 Republican state committees, 35 Democratic state committees, and 39 Progressive state committees. The expenditures of 31 Republican state committees, of 21 Democratic state committees, and of 28 Progressive state committees are also given in some detail so as to show the different items of expenditure. This part of the report indicates a considerable amount of work. The principal items of expenditure of the three national committees are also given.

Three recommendations conclude the report. The first proposed

<sup>41</sup> Telford, Fred, in the bureau's unpublished analysis of the problems involved in handling employment matters through a central employment agency. The subsequent accomplishments of the bureau are reviewed by W. G. Rice in the proceedings of the Assembly of Civil Service Commissioners, 17th Annual meeting, 1924, pp. 59-71. See also the bureau's *Public Personnel Studies*, now published monthly, which discuss technical problems of civil service administration.

<sup>1</sup> S. Res. 248, 68th Congress, 1st Session, Cong. Record, vol. 65, pp. 10884, 11065, 11216.

<sup>2</sup> Sen. Rep. No. 1100, 68th Congress, 2nd Session.

the enactment of a definite measure, the Walsh Corrupt Practices bill. The other two recommendations were made in short paragraphs and were only called to the attention of the Senate in a cursory way. One mentioned the desirability of considering population as an important factor in determining the amount of money that can be properly expended by candidates. The other referred to the practice of sending money from one state to another during a campaign.

The committee is careful to shield itself from attack by saying "that with reference to all figures included in this report, particularly with reference to collections and expenditures, they have been gathered by going through a vast amount of testimony and reports and it may well be that some inaccuracies, particularly as to details, may be found. But in all substantial particulars the committee believes the report gives the facts."

Let us see. The report states that "the national Republican organization collected during and for the use of the presidential campaign of 1924 the sum of \$4,360,475.82; that it expended about \$4,270,469.01; that it returned to the states the sum of \$573,599.20."<sup>3</sup> The finance accounts filed by the national committees with the Borah committee, from which in some way these figures have been derived, are the same as the official accounts filed in Washington with the Clerk of the House of Representatives in compliance with the law. Total figures taken from the one set of accounts should therefore be the same as total figures taken from the other set.<sup>4</sup> And yet as between the figures given in the Borah report and the figures secured from the accounts filed with the Clerk of the House of Representatives, there is a difference of about \$940,000 in receipts and about \$1,200,000 in disbursements. Whoever prepared the report has evidently culled the wrong figures from the accounts furnished to the committee. These inaccuracies are not mere "details."

Apparently the Borah committee has added the money, raised for and spent by the state committees under a joint collection arrangement, to the money raised and spent exclusively for and by the Republican national committee. But its figures, instead of representing the sum expended for the purposes of the presidential campaign, represent the sum expended for state election purposes as well as for presidential election purposes. No mention, however, is made of this fact and we

<sup>3</sup> Page 2.

<sup>4</sup> I have used both sets of accounts and have secured the same total figures from each set.

are left to surmise whether this combination of figures was made purposely or by mistake.

In the case of the Democratic national committee figures, the report states that the committee collected "the sum of \$821,037.05."<sup>5</sup> The official figures show that the Democratic national committee collected \$845,520.38 from individual contributions and \$120,000 by a loan from the New York Trust Company. The report states that the Democratic national committee expended "about \$903,908.21." The official figures show total disbursements amounting to \$903,908.21; liabilities or bills due and unpaid amounting to \$206,305.73; and an unpaid loan of \$120,000, making the total expenditures in the campaign amount to \$1,230,213.94. Such inaccuracies as these constitute substantial errors.

In one place the report states that the sum of \$546,034.45 had been refunded by the Republican national committee to the states;<sup>6</sup> in another place that \$573,599.20 had been returned to the states.<sup>7</sup> Which figure is correct? As a matter of fact the sum of \$956,525.11 was raised for and returned to the states by the Republican national committee, while the sum of \$686,300 was donated to the state committees by the Republican national committee.<sup>8</sup> The only mention made in the report of the congressional and senatorial committees is given under the head of "General nature of the office expenditures," and yet expenditures for senators and congressmen are of equal importance with expenditures for President and should have as much attention.

No mention is made of the great bulk of the testimony given to the committee during its hearings—the testimony fills several large volumes. The report only makes use of the figures given to it, without confirming or denying the other evidence placed before the committee. We are left to assume that the committee did not consider the other material worthy of presentation.

The recommendation of the committee that a new federal corrupt practices act be passed deserves attention. The act proposed is the same as the one introduced by Senator Walsh of Massachusetts as a rider to the Postal Salary Increase bill, which was signed by President Coolidge.<sup>9</sup> Thus, this part of the committee's recommendations was

<sup>5</sup> Page 2.

<sup>6</sup> Page 33.

<sup>7</sup> Page 2.

<sup>8</sup> From the statements filed with the Clerk of the House of Representatives in Washington.

<sup>9</sup> H. R. 11444, 68th Congress, 2nd Session, approved by President Coolidge, Feb. 28, 1925, Public Law No. 506.



accepted by Congress and has now become law. Without a detailed analysis of this act, suffice it to say that it only applies to "a general or special election" and thus does not touch primary elections at all, leaving half of the field unregulated.<sup>9</sup> The Borah committee apparently was afraid to take advantage of the opportunity the Supreme Court offered in the Newberry decision.<sup>10</sup> In that decision, four justices held that the word "election" used in Article I, section 4, of the Constitution referred only to general elections and did not include primary elections. On the other hand, four justices held that ample authority rested with Congress to regulate primaries, because the word "election" could not be construed so narrowly. Justice McKenna concurred with the four who held the law under consideration to be beyond the authority of Congress to enact, but his concurrence was conditional and he definitely stated that he reserved his opinion concerning the authority of Congress to enact such a law after the adoption of the Seventeenth Amendment. The law under consideration by the court was passed in 1910. What reason had Justice McKenna to so qualify his concurrence if he did not think that a case arising today after the adoption of the Seventeenth Amendment concerning a new law, would have to be considered in a new light?<sup>11</sup> It seems fair to say that the court today considering a new law would not be bound by the Newberry decision, since that decision really decided nothing permanently with reference to the authority of Congress to regulate primaries.<sup>12</sup> It merely decided that the Federal Corrupt Practices Act of 1910, which undertakes to limit the amount of money which any candidate for Congress may give, expend, or use in procuring his nomination or election, was unconstitutional as applied to a primary election of candidates for a seat in the Senate. Hence, Congress for once was too careful about its powers and neglected to take advantage of the loophole offered by the court in its decision. Thus Congress in following the advice of the committee has seen fit to give us only half a law. The law is scarcely half a law because it perpetuates many of the defects of the old law and succeeds in improving but two.<sup>13</sup> No provisions are in-

<sup>9</sup> 256 U. S. 232 (1921).

<sup>11</sup> See Hearings, Committee on Election of President, March 13, 1924, pp. 36-37.

<sup>12</sup> See American Political Science Review, vol. 16, p. 22.

<sup>13</sup> One new provision increases the amount of money that can be spent by candidates for the Senate and the House, and another requires the filing of reports at different times throughout the year and not merely during a campaign.

cluded which will revitalize the law by giving more complete publicity, better enforcement or more accurate accounting.

Thus, the committee failed to take advantage of its opportunity of giving to the Senate an improved law which would be effective. Of course, the committee was appointed largely for inquisitorial purposes; but the fact that it contained senators who previously had indicated their interest in the use and regulation of money in elections causes disappointment that something of more value could not have been produced.

Although there is much material of value and interest in the Borah report, in general it is not as accurate nor as clear and carefully prepared as the Kenyon report four years ago.<sup>14</sup> The Borah report seems to be perfunctorily prepared; and yet, it is of value if one is careful to check up its inaccuracies.

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<sup>14</sup> Sen. Rep. No. 823, 66th Congress, 3rd Session.

## JUDICIAL DECISIONS ON PUBLIC LAW

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**Advisory Opinions—Validity of Statute Requiring Courts to Render—Judicial Power—Legal Effect of Such Opinions.** In re Opinions of the Justices (Alabama, June 1, 1923, 96 So. 487). The Act of February 13, 1923, of Alabama relating to advisory opinions contains three sections. First, it provides that the governor by request in writing, or either house of the legislature by resolution, may obtain a written opinion from the justices of the supreme court of the state, or a majority of them, on important constitutional questions. Section 2 provides: "The opinion of the Justices of the Supreme Court herein provided for shall not be binding upon the state or any department thereof, nor even upon the departments requesting it, nor the Justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this act, being to give more confidence and assurance to the validity and constitutionality of important acts or contemplated acts of the Governor and the Legislature, . . . ." The last section of the act provides that "The Justices of the Supreme Court may request briefs from the Attorney General, and may receive briefs from other attorneys as *amicus curiae*, as to such questions as may be propounded to them for their answers."

In view of a previously unbroken line of authority to the effect that statutes requiring advisory opinions from the courts are void, as imposing nonjudicial functions upon the judicial departments and consequently violating the constitutional requirement of the separation of powers, the temerity of the legislature of Alabama in enacting this law is hardly less interesting than is the decision of the supreme court of the state in holding it constitutional. It should be borne in mind that while the system of requiring advisory opinions prevails in a number of states besides Alabama, it is, in each of these states, established by definite constitutional provisions. There are isolated cases in which courts have responded to requests made upon them for advisory opinions,

but this has usually been done without discussion of the constitutional principles underlying the practise. The orthodox rule is clearly against the right of the legislature to inaugurate the system, and in the states where it exists by virtue of constitutional provision the courts have not infrequently responded to requests grudgingly, and have impaired the efficiency of the system by narrow construction.

Before proceeding to discuss the validity of this act the Alabama court stated certain conclusions regarding the meaning which it placed upon the provisions above summarized. First, the act does not contemplate the giving by the justices of opinions upon the wisdom or policy of legislation. Second, the opinions called for are those of the individual justices as such and not the opinions of the supreme court as a body. Third, the important questions upon which opinions may be sought are those relating to the general public interest as contrasted with questions of private right. Fourth, the responses are advisory and consultative merely and not binding upon anybody. The court then proceeds to consider the objections urged against the validity of the statute. It is true that it imposes nonjudicial functions upon judicial officers, for the rendering of an advisory opinion is a nonjudicial function, but such functions are not imposed upon the court as such but rather upon the individual members thereof. There is no constitutional prohibition upon thus enlarging the duties of the individual judge. Since the opinions are not in any sense binding, it follows that court is not, in rendering them, sharing the power of the legislative or executive department which requested the opinion. The plan does not require the court to act in advance upon questions which it may be obliged to decide later, since the "court" does not act at all in giving the opinion. Nor does the rendering of such opinions cause the individual justice to prejudge cases which he must later pass upon. The questions are many of them such that they will never be raised before the court in actual litigation, and furthermore, when the judges are deciding upon the validity of a statute in the normal exercise of the power of judicial review they are bound by the important principle that all statutes passed by the legislature are presumed to be constitutional. This presumption does not attach to pending legislation upon which an advisory opinion may be sought. The majority of the court conclude their opinion upon the validity of the plan with the following statement: "The practice thus established evinces the highest permissible form of precautionary procedure to preserve constitutional government by invoking the advice of those thought to be peculiarly qualified to give in advance of action, advice

in respect to the Constitution's prescriptions; thereby manifesting a quickening sense of responsibility for submission and conformity to the Constitution on the part of all who owe that supreme duty to the governments." The question of the validity of the statute arose out of a request for an advisory opinion duly made by the governor, and the justices therefore proceeded to render the opinion asked for.

Two justices found themselves unable to agree with the majority as to the constitutionality of the statute. They based their conclusions upon the familiar arguments grounded upon the separation of the three departments of government and the constitutional inability of the legislature to impose nonjudicial functions upon the courts. They held that the distinction between the justices acting in their individual capacities and the court as a body is "illusory and unsubstantial" and is an "distinction without a difference." They, therefore, "with great deference and respect beg to be excused from further consideration of the questions you have propounded until they may be presented and argued by counsel in the ordinary course of the administration of justice." This dissent is interesting because it apparently proceeds upon the theory that the dissenting justices are not bound by the decision of the majority that the advisory opinion act is constitutional, and that they are therefore at liberty to decline to exercise the duties which that act imposes upon them.

**Aliens—Equal Protection of the Law—Prohibiting Appointment of Alien as Guardian of His American-born Child's Estate.** In re Fujimoto's Guardianship (Washington, June 10, 1924, 226 Pac. 505). One of the sections of the Alien Land Law of Washington passed in 1921 provides that an alien shall not be qualified to be a guardian if part of the estate is land. The validity of this clause of the Alien Land Law was not directly passed upon in any of the cases decided by the Supreme Court of the United States during the October term, 1924. See this *Review*, Vol. XIX, page 60. The question arises here on the application of Fujimoto to be appointed guardian for his infant son. The father was born in Japan and is still a subject of the emperor of Japan. The boy was born in this country and has received by deed title to certain real estate. Such a statute does not deny to the father the equal protection of the law. The classification here involved is reasonable and necessary to effect the purpose of the alien land laws. It is a notorious fact that a guardian has practically unrestrained control of the estate of his ward, and to allow such control to pass into the hands of aliens

would be to defeat the purpose of the law. Nor is the act void as denying the equal protection of the law to minors. The basis of the decision is the court's view of the practical consequences of the relationship of guardian and ward upon the control of land within the state. Upon this point it disagrees with the supreme court of California, which reached an opposite result in the case of *In re Tetsubumi Yano's Estate*, 206 Pac. 995.

**Amendments to State Constitution—Meaning of Rule Against Submission Oftener than Once in Five Years.** *Armstrong v. King* (Pennsylvania, July 8, 1924, 126 Atl. 263). The constitution of Pennsylvania adopted in 1838 provides in connection with the rules governing the adoption of amendments that "no amendment or amendments shall be submitted to the people oftener than once in five years." The same provision after some debate was carried over into the constitution of 1873 and is now in force. The present constitution of the state was amended in 1901, 1909, 1913, 1915, 1918, 1920, and 1923. This case arises out of a taxpayer's action to restrain the defendant, who is secretary of state of Pennsylvania, from submitting another amendment for popular approval or rejection in the November election of 1924, on the ground that such action will violate the five-year rule regarding the submission of amendments. The issue is clear. Does the five-year limitation above quoted mean that after the submission of an amendment no other amendment shall be submitted until after five years have elapsed, or does it mean that after an amendment has been submitted the same amendment shall not be resubmitted until after the five-year period has passed? The court admits that the legislature for a number of years has proceeded upon the second theory, since the amendments submitted in 1911, 1913, 1918, and 1923 were all submitted within five years of the last preceding amendment. This view, however, the court finds itself unable to adopt. It declares that the language of the clause in question is clear and unambiguous and can mean only one thing: namely, that no amendment whatever shall be submitted within the five-year period. If the framers of the clause had meant merely to provide against the repeated submission of the same proposal they would have said "no such amendment . . . ." as they did in one or two other provisions of the constitution. Stress is also laid upon the fact that the first violation of the rule did not occur until 1911, so that for seventy-four years the five-year rule as construed by the court was obeyed. This offsets any more recent practice to the contrary estab-

lished by the four illegal submissions of 1911, 1913, 1918, and 1923. The court declares, however, that it is now too late to attack in any collateral action the validity of the amendments thus unlawfully submitted, and they must be regarded as part of the constitution of the state. Where the submission of the amendment has not yet occurred, however, it is the duty of the court to intervene to prevent violation of the constitutional provisions governing the amending process. In *Hollinger v. King* (127 Atl. 462), decided January 5, 1925, the court was asked to invalidate the amendment to the constitution of Pennsylvania adopted in 1923 authorizing the issuance of \$15,000,000 of bonds on the ground that it had been submitted to the electors in violation of the five-year rule. The court reiterated its previous view that amendments, once approved by the people, could not be attacked as invalidly adopted. "The approval of the people," said the court, gives unattackable validity to . . . amendments submitted to them."

**Civil Service—Power of Legislature to Abolish Offices and Create New Ones with Same Duties.** *People v. Milliken* (Colorado, December 3, 1923, 223 Pac. 40). By an act of 1918 the legislature of Colorado created an organization of "motor vehicle inspectors" and these were placed under the provisions of the civil service clauses of the state constitution. By an act of 1921 the office of "motor vehicle inspector" was abolished and in its place was created the office of "deputy supervisor" of motor vehicles. The functions of the two offices were identical. The officers appointed under the first act were deprived of their positions and new appointments were made under the second act. The court here holds that this is a violation of the civil service sections of the constitution. While the legislature has undoubtedly the right to abolish offices at its discretion, this action was a mere subterfuge whereby the requirements of the constitution were being avoided.

**Double Jeopardy—Statute Making Contempt of Court a Misdemeanor without Altering Ordinary Power of Court to Punish for Contempt.** *Ex parte Morris* (California, June 20, 1924, 227 Pac. 914). The Penal Code of California provides that every person guilty of any contempt of court is guilty of a misdemeanor. This provision was attacked as a violation of the rule against double jeopardy inasmuch as the law did not, and could not, interfere with the inherent right of the courts to punish for contempt. It would, therefore, be possible for an offender to be punished once under the Penal Code and again under the

Civil Code. The court here holds that this does not constitute double jeopardy. The two offenses are separate even though they arise out of the same act. There is ample authority for allowing an injunction to issue against an act which may also be punishable as a crime, and this statute proceeds upon the same principle. In fact, the court points out that the same act may legitimately involve three penalties, one a criminal penalty under the statute, one the penalty inflicted by the court as an exercise of its inherent power to punish for contempt, and one a penalty of a civil nature arising out of an action for damages.

**Due Process of Law—Equal Protection of the Law—Statute Limiting Number of Insurance Agents in Cities.** *Northwestern National Insurance Co. v. Fishback* (Washington, August 7, 1924, 228 Pac. 516). In 1923 the legislature of Washington amended the Insurance Code by providing that no company writing fire or automobile insurance shall have more than one agent in any city having a population of 50,000 or less, and not more than two agents in cities of more than 50,000 inhabitants. The court was unable to discover any basis grounded upon the public welfare which would sustain this regulation as a reasonable exercise of the police power, or which would justify the discrimination against insurance agents involved. It was accordingly held to work a denial of due process of law and the equal protection of the law.

**Equal Protection of the Laws—Right of an Indian Child to Attend the Public Schools.** *Piper v. Big Pine School District of Inyo County* (California, June 2, 1924, 226 Pac. 926). The California school laws contain three provisions pertinent to this case. The first provides for the maintenance of public graded schools to which children shall be admitted, including Indian children whose education shall not have been otherwise provided for by the federal government. The second authorizes the school district to establish separate schools for Indian, Chinese, Japanese, or Mongolian children, and prohibits the admission of such children to the other schools in case separate schools have been established. The third provision excludes from the state schools Indian children who are eligible to attend Indian schools established by the federal government, provided they live within three miles of such school. It was admitted that the Indian child excluded from the public schools of the state under the provisions of this law was eligible to the federal Indian school in the vicinity. She chose, however, not to attend such school. The court holds that she cannot be denied admission to the



state school of the district. The privilege of receiving an education is a right which does not arise under federal citizenship. There is no national system of education. It is a distinctly state affair. To deny to this child the right to attend the public schools of the state upon the same basis as others in the same class is a denial of the equal protection of the law. The fact that there is another school not under state control which she might attend is wholly irrelevant to the question. The district in which she lives must either admit her to the regular public school or else must provide a separate school for Indian children which she may attend. The fact that the district is sparsely settled and the expense entailed in complying with such rule will be burdensome has nothing to do with the constitutional issue involved, and presents merely a legislative problem.

**Equal Protection of the Law—Statute Giving Citizens of Certain Counties Privileges Denied to Other Citizens under State Game Laws.** *State v. Bryan* (Florida, January 28, 1924, 99 So. 327). The statutes of Florida provided that all nonresidents of Hernando County should be required to pay the county a license tax of \$50 for hunting wild game in the county, while the residents of the county were obliged to pay but \$1 for the same privilege. In another county the nonresident license tax was \$10 as against \$1.25 for residents. Furthermore, under the general laws all residents of the state were required to pay a state tax of \$3.50 for the privilege of hunting in any other county than that in which they resided and \$1.25 to hunt in the county of their residence. These regulations are held to deny the equal protection of the laws. "All bona fide citizens of the state irrespective of the counties in which they live, have a qualified beneficial property interest, subject to lawful governmental regulations for the public good, in all wild game while it is in any county of the state, and not reduced to the lawful possession of any one; and, as the state cannot lawfully deny to any of its citizens substantially equal rights with all other citizens of the state, under like conditions, to lawfully hunt wild game in the state, the vesting of title to such game in the several counties is ineffectual to impair individual rights in the game or to relieve the state of the power and duty of just regulations for the good of all." Residence or nonresidence in a particular county does not afford a reasonable basis for classification for the purpose of the regulation of wild game.

**Equal Protection of Law—Statute Requiring Discharged Convict to Leave Certain Counties.** *Ex parte Schatz* (Missouri, February 17, 1925, 269 S. W. 383). A Missouri statute passed in 1919 required all convicts discharged from the state penitentiary to leave immediately the city of Jefferson and within twenty-four hours to leave the confines of Cole and Callaway counties unless they were sentenced to the penitentiary from either of those counties. Violation of the statute was made a misdemeanor punishable by imprisonment. The court here holds that this is a denial to the discharged convict of the equal protection of the law. Upon his release from the penitentiary he may not necessarily be given the right to vote but he is restored to the full enjoyment of all the other rights of citizenship, among them the right to choose where he shall make his home. His debt to the state has been paid in full. Should he prove an undesirable citizen he may be punished for any subsequent misdeeds. He cannot, however, be prevented from living where he wishes. The act was void also as a special law applicable to the two counties mentioned, since other nearby counties occupied the same situation with respect to it that they did.

**Governor—Eligibility of Wife of Impeached Governor to Hold Office of Governor.** *Dickson v. Strickland* (Texas, October 15, 1924, 265 S. W. 1012). In this case the right of Mrs. Miriam A. Ferguson to have her name appear on the official ballot as a candidate for the office of governor of Texas was attacked, on the ground that she was a woman, that she was a married woman, and that she was the wife of James E. Ferguson who had been impeached as governor and disqualified from holding office in the state. It was further urged that Mrs. Ferguson's candidacy was in the nature of a subterfuge to defeat the effect of the decree of impeachment against her husband and that should she be elected he and not she would be the real governor of the state. After discussing at some length certain questions bearing upon the jurisdiction of the courts to settle such questions, the court takes up the specific allegations stated above and finds them of no force. Mrs. Ferguson was held to be eligible to the office of governor in spite of her sex and her status as a married woman, not because married women have been especially rendered eligible by positive enactment, or by the adoption of state and federal suffrage provisions, but because they have never been rendered specifically disqualified. The attributes which disqualify one to hold the office of governor are stated in the constitution of the state and they do not include sex or coverture. Nor is there any force in the objection

that the impeachment of her husband rendered Mrs. Ferguson ineligible. The theory of the contention was that the decree of impeachment prevented Ferguson from holding any office of trust or profit under the state, and that if his wife should succeed to the office he would, under the principle of community property, receive half the salary in violation of the decree of impeachment. The court emphasizes that the constitution forbids the imposition of penalties upon the members of the family of an impeached officer by specifically restricting the punishment, besides removal from office, which may be imposed. Furthermore, if the husband under the decree of impeachment is disqualified from receiving any share of his wife's salary then the salary becomes *ipso facto* her separate estate. There is no evidence in the judgment of the court to sustain the allegation that Mrs. Ferguson's candidacy is a mere subterfuge and that husband and wife have entered into a conspiracy whereby the decree of impeachment is to be rendered ineffectual and the husband is to be restored virtually to the office from which he has been removed.

**Governor—What Constitutes Absence from State—Power of Lieutenant-Governor to Assume Office of Governor during Absence.** *Montgomery v. Cleveland* (Mississippi, November 5, 1923, 98 So. 111). This case involves no new principle but it presents so striking a set of facts for the application of an old one as to merit comment. On November 11, 1922, Governor Russel of Mississippi left Jackson, Mississippi, shortly after midnight for Memphis, Tennessee. He returned during the afternoon of the same day. It was agreed that he was out of the state from six o'clock in the morning until noon. At 10:30 of that morning the lieutenant governor issued a pardon to Cleveland, who was serving sentence at the time in the state penitentiary. The pardon was delivered while the governor was still out of the state. Montgomery, the superintendent of the prison, refused to honor the pardon or release Cleveland. The supreme court held that the six-hour absence of the governor from the state constituted an "absence" which the lieutenant governor was authorized by the constitution to fill and that the pardon was lawfully issued. The same result was reached in a very similar case in Oklahoma. See *In re Crump*, 135 Pac. 428. For an opposite rule see *State v. Graham*, 26 La. 567.

The most interesting feature of the case is the dissenting opinion of Judge Anderson, portions of which are worth reproducing. The dissent is grounded upon the theory that the governor's "absence" mentioned in the constitution, which the lieutenant governor is authorized to fill,

is only such absence as "will effectually prevent the governor from exercising the powers and duties of his office." To emphasize the awkward results of the rule adopted by the majority, Judge Anderson draws this vivid picture: "Take, for an illustration, this condition of affairs: The Governor accepts an invitation to play golf on a golf course on the line between Mississippi and Alabama, partly in this state and partly in that. The game is going on for half a day; several are engaged in it; it is quite an occasion; there are many visitors. In the progress of the game the Governor is in Mississippi when he hits the ball one time, and in Alabama when he hits it the next time, and so forth and so on, resulting in his being in and out of Mississippi maybe dozens of times before the game is over. According to the majority opinion, every time he crosses the state line into Alabama he loses his office for the time being, and the Lieutenant Governor is Governor, and when he crosses the line back into this state he is Governor again and the Lieutenant Governor is down and out. In other words, now he is and now he ain't, and now he is and now he ain't, and so on as long as the game goes on. And during this time the Lieutenant Governor has heard of the game, and thereupon rushes to the capitol of the state, and siezes the Governor's office and the great seal of the state, issues pardons to criminals, one after another, and appoints circuit judges, and chancellors and Supreme Court judges to fill vacancies. And then the question arises in the courts which ones, if any, of these pretended official acts are legal. The Lieutenant Governor, while acting as Governor, has had a timekeeper, who has kept the record of when the various official acts were performed. They testify. And the witnesses at the golf game are brought in and put upon the stand, and necessarily, although they were watching the Governor closely while engaged in the game, there is great conflict as to whether he was in Mississippi or in Alabama at the various times in question. Is it believable that the wise men of the Constitution failed to provide against this condition—such absurd, ridiculous results? I am glad to say I do not believe any such thing."

**Impeachment—Power of Legislature to Impeach Governor during Special Session Called for Other Designated Purposes—Other Constitutional Principles Governing Impeachment.** *Ferguson v. Maddox* (Texas, June 12, 1924, 263 S. W. 888). On September 25, 1917, the senate of Texas, sitting as a court of impeachment, removed Governor James E. Ferguson from office and decreed that he should thereafter be "disqualified to hold any office of trust or profit under the State of

Texas." In the spring of 1924 Ferguson announced his intention of becoming a candidate for nomination for state governor in the Democratic primary to be held in July, 1924, and filed his name with the Democratic state committee in accordance with the provisions of the primary law, requesting that his name appear on the official primary ballot. This case arose out of an action to enjoin the state Democratic committee from placing Ferguson's name on the ballot. Ferguson's defense consisted of a denial of the validity of the decree of impeachment disqualifying him from holding office. Five reasons for the invalidity of the decree were advanced, and these may be taken up separately together with the disposition made of each one by the supreme court which held the decree of impeachment valid and issued the injunction asked for.

The first contention was that the legislature had no power to impeach the governor during a special session called for other purposes. The constitution of Texas specifies that "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor." The special session of the thirty-fifth legislature which had instituted the impeachment proceedings had been called by the governor for the purpose of making appropriations for the support of the state university. The court pointed out, however, that this restriction upon a called session of the legislature related to legislation only. The power of impeachment is not a legislative function in any sense and falls wholly without the terms and spirit of the restriction. It may be noted that a similar objection to the validity of the impeachment of Governor Sulzer in New York in 1913 had been answered in the same manner by the New York courts. See *People ex. rel. Robin v. Hayes*, 143 New York Suppl. 325; appeal denied by court of appeals 106 N. E. 1041.

The second objection raised by Ferguson was that the impeachment proceedings had been begun by one special session, which had expired under the constitutional provision limiting its duration to thirty days, and had been carried forward by a subsequent called session assembled by proclamation of the acting governor. This division of the process, it was claimed, rendered the proceedings invalid, although it was admitted that the first session had expired on August 30, 1917, and the succeeding one had convened on August 31. The court held here that the function of impeachment being judicial in character was not limited or restricted by legislative sessions. In an impeachment proceeding,

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the senate sits as a court and the constitution does not limit its tenure nor restrict the time of its sitting. It may lawfully proceed regardless of special legislative sessions until its duties have been performed.

The third allegation was that the decree of impeachment was void because neither the constitution nor the laws of Texas defined specifically the offenses for which an officer might be removed from office and disqualified from holding office in the future. This left the senate of the state with purely arbitrary power to punish for undefined offenses. The court replied to this by pointing out that in an impeachment proceeding the senate may not act arbitrarily but must proceed according to law as ascertained from the constitution, legal treatises, common law and parliamentary procedure, and that the mere failure to specify definite offenses did not vitiate the proceeding. The purpose of impeachment is primarily to protect the state, not to punish an offender, and the absence of statutory definition of impeachable offenses does not hinder the proper fulfillment of that purpose by a court of impeachment.

The fourth objection was that the statutes did not definitely authorize imposing the penalty of disqualification from office upon an impeached officer. The court's answer was that the constitutional provisions regarding impeachment are self-executing and do not need statutory elaboration to give them force. Finally, it was urged that on the day before the judgment of impeachment was rendered against Ferguson he filed his written resignation with the secretary of state to take effect immediately and that such resignation rendered the judgment void. This contention the court repudiated. It pointed out that the senate had acquired jurisdiction of the governor and it had full power to push its proceedings to completion. It was not dependent upon him or his acquiescence for its authority. To allow him to escape from the jurisdiction of the impeachment court by a last-minute resignation would be to turn a solemn trial before a judicial tribunal into a farce. The court concluded its opinion by declaring that a judgment of impeachment rendered by the senate cannot be called into question in any other tribunal in the state except for lack of jurisdiction or excess of constitutional power, "since the senate, as to impeachment, is a court of original, exclusive, and final jurisdiction."

**Liberty of Contract—Statute Requiring Newspapers to Publish Findings of Minimum Wage Commission at Regular Rates.** *Commonwealth v. Boston Transcript Co.* (Massachusetts, June 14, 1924, 144 N. E. 400). The minimum-wage law of Massachusetts is of a volun-

tary rather than of a compulsory type. It provides for a commission or board to investigate the wages of women and children in various industries and to reach conclusions as to what wage such employees ought to receive. These findings are then to be made public through the newspapers in the hope that the pressure of public opinion will lead to the adoption by employers of the wage rates thus declared reasonable. The names of employers failing to adopt such wage rates are to be published in similar manner. This law was held constitutional by the supreme court of Massachusetts in *Holcombe v. Creamer*, 120 N. E. 354 (See this *Review*, vol. XIII, page 102), and since the law is of an entirely different type from the compulsory minimum-wage act declared invalid in *Adkins v. Children's Hospital*, 261 U. S. 525, the court finds no occasion for changing its view of the validity of the statute now. The law provides however, that "Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall be punished by a fine of not less than one hundred dollars." This requirement is held by the court to be an unreasonable infringement upon the liberty of contract of the newspapers. While newspapers may in certain respects be held to be businesses affected with a public interest, this principle does not extend to the imposition of such a duty as the one here required. So far as this law is concerned newspapers must be regarded as occupying as favorable a position as any other person and they are, therefore, not subject to the imposition of such a burden as the one here laid upon them.

**Police Power—Due Process of Law—Forbidding Wilful Display in Public Place of Clocks Indicating Other than Standard Time.** *State v. Bassett* (Connecticut, March 1, 1924, 123 Atl. 842). By a statute passed in 1923 in Connecticut, it was made a misdemeanor for any one wilfully to display on any public building or on any street or highway any time-measuring instrument or device intended to furnish time to the general public, so set as to indicate any other than standard time. This is here held to be a proper exercise of the police power of the state to promote public convenience and public welfare. The purpose of the law was to prevent the confusion and inconvenience which might arise from the display of clocks, set at different times, and in its wide discretion to determine what the public welfare requires, the state legislature may establish such a rule without a denial of due process of law.

**Police Power—Due Process of Law—Statute Fixing Maximum Fee of Employment Agencies.** *Ex parte Smith* (California, February 26, 1924, 223 Pac. 971). A California statute of 1923 provided that employment agencies should not charge for their services a fee greater than ten per cent of the wage or salary earned during the first month of employment. Without attempting to present much independent argument the court held that the act was a violation of the due process clause of the Fourteenth Amendment, on the authority of the case of *Adkins v. Children's Hospital*, 261 U. S. 525, in which the United States Supreme Court invalidated the District of Columbia Minimum Wage Law. "Surely," said the court, "the reasons which may be advanced for establishing standards of minimum wages for women and children are not less potential than those which may be urged in favor of the validity of the act before us."

**Police Power—Requirement of License to Resell Theatre Tickets—Restriction of Price at Which Theatre Tickets May Be Resold.** *People v. Weller* (New York, February 19, 1924, 143 N. E. 205): *In re Opinion of the Justices* (Massachusetts, April 23, 1924, 143 N. E. 808). These two cases both involve the question of the validity of statutes providing for the licensing of persons who engage in the business of reselling tickets to theatres and places of amusement, and restricting the price at which such tickets might be resold. In each case it was required that the ticket must bear the original price upon its face and the reselling agent is forbidden to charge more than fifty cents in excess of the original price. In each case the court agreed that the regulation was a reasonable regulation and not unconstitutional. Theatres and places of amusement are establishments which no one has a natural or inherent right to set up. To operate them is a business affected with a public interest. While the regulation to which they may be subjected must not be arbitrary, such regulations as are conducive to the protection of the public from abuses which experience has shown are likely to spring up in connection with such establishments are within the scope of the police power. Of such a character are the regulations established here. Consequently there is no denial of due process of law or the equal protection of the law involved in these acts.

**Suability of State by its own Citizen in Courts of Another State—Interstate Comity.** *Paulus v. South Dakota* (South Dakota, November 15, 1924, 201 N. W. 867). In 1918 an amendment to the constitution



of South Dakota was adopted which declared the mining, distribution, and sale of coal to be works of public necessity in which the state might engage, and authorized the legislature to pass laws to acquire by purchase, and so forth, the lands and properties which might be necessary to conduct the business. A year later the legislature created a coal-mining commission empowered to carry out the purposes of the amendment; and this commission, acting under authority of the statute, acquired and carried on the operation of a coal mine in North Dakota. The plaintiff was a resident of South Dakota who went to North Dakota to work in this mine. In the course of his employment he was injured, and under the provisions of the workmen's compensation law of North Dakota he sought to bring this action for damages against the state of South Dakota. He claimed that South Dakota, by crossing the state line and engaging in the business of coal mining, had divested herself of the attributes of sovereignty and should be held amenable to the provisions of the statute as any other employer would be. The supreme court of North Dakota, while admitting that if an action arose out of the operation of the mine which involved the two states that the courts of North Dakota might properly regard the state of South Dakota as a private corporation, held that upon principles of comity they should refuse to take jurisdiction of the plaintiff's suit but should allow him to seek what redress he could in the courts of South Dakota.

**Taxation—Public Purpose—Loan of State Money to Coöperative Associations to Aid in Establishment of Warehouses for Agricultural Products.** *Vette v. Childers* (Oklahoma, February 12, 1924, 228 Pac. 145). An Oklahoma statute passed in 1923 provided for the organization of "farmers' coöperative associations," in the form of corporations empowered to establish and operate warehouses and other facilities for the marketing and distribution of agricultural products. It further appropriated the sum of \$1,250,000, to be known as the "State Warehouse Revolving Fund," to be loaned to the coöperative associations upon first-mortgage bonds to aid in financing the warehouse system. This appropriation was attacked in a taxpayer's action on the ground that it involved the exercise of the taxing power for a private purpose. The court so holds. The money is to be loaned to private organizations. While the state is to exercise certain supervisory functions with respect to these associations, it does not own them nor operate them directly. The act therefore falls within the rule of *Loan Association v. Topeka*, 20 Wallace 655. It is expressly stated that this decision has no bearing

upon the question whether the state itself might engage in the business of owning and operating warehouses. On that question the court offers no opinion.

**Taxation—Public Purpose—Compensating Individuals for Losses Inflicted in the Exercise of the Police Power.** *Kilpatrick v. Compensation Claim Board* (Texas, Court of Civil Appeals, January 31, 1924, 259 S. W. 164). The state of Texas began in 1917 to legislate for the purpose of eradicating the pink boll worm, which had become a menace to the cotton-growing industry of the state. An act passed in that year and one passed in 1919 provided for the destruction of infected crops and the payment of compensation to the owners. Acts passed in 1920 and 1921 reenacted these provisions and provided further for the establishment by proper authority of "non-cotton" zones in which no cotton might be raised for fear of the spread of the boll worm. Persons within these zones were to be compensated for the loss of their crops upon the basis of the rental value of their land. The expenditure of public money to satisfy claims for such compensation was attacked as an appropriation of money to individuals, and the creation of a public debt without proper constitutional authorization. The court held the appropriation valid. The payments were made as part of a general scheme for the exercise of the police power of the state, aimed to prevent the spread of an evil disastrous to one of the most important industries. While the state is not required to pay compensation for losses incurred as a result of the exercise of the police power, as is the case in the use of the power of eminent domain, "it is nevertheless true that under proper conditions a moral obligation may arise to compensate an owner for the destruction of, or restriction in the use of, his property, in the exercise of the police power; an obligation which right and justice imperatively demand that the state recognize and discharge."

**Taxation—Stock Dividends as Income.** *Lanning v. Trefry* (Massachusetts, February 29, 1924, 142 N. E. 829). In the case of *Tax Commissioner v. Putnam*, 116 N. E. 904, decided in 1917, the supreme court of Massachusetts held that stock dividends were income within the meaning of the state income tax law. In *Eisner v. Macomber*, 252 U. S. 189 (1920), an opposite conclusion was reached by the Supreme Court of the United States with respect to stock dividends under the federal income tax amendment. It was strongly urged that the Massachusetts court ought to reverse its previous decision out of deference to the de-

cision of the federal Supreme Court. The state court, however, stood its ground. "It is cause for regret that there is diversity of view between this court and the Supreme Court of the United States," remarks the court, but it adds, "Uniformity of thought is not always possible," and even in the Eisner Case "four out of the nine justices of that court believed that a stock dividend could be taxed as income. . . ."

## FOREIGN GOVERNMENTS AND POLITICS

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**Proportional Representation in Sweden.** Fifteen years ago the principle of majority elections became applicable to all phases of public life in Sweden; and along with the movement for democratization there developed the idea of proportional representation. This principle was urged especially by Conservatives, who feared that if elections to *Andra Kammaren* (the Lower House) should be based upon universal suffrage with the retention of the majority system, the Conservative party would be completely annihilated. The Liberals replied (this was the time when the opposition between Conservatives and Liberals dominated Swedish politics) that the Conservatives had sufficient influence through their position in *Första Kammaren* (the Upper House); their partiality for the majority system was also due to their sympathy with English parliamentarism.<sup>1</sup>

In the meantime, a small group of Liberals was won over to proportional representation, and by combining with this group the Conservatives in 1907 introduced both universal suffrage and the proportional system in elections to the Lower House. The Conservatives gained the support of the Liberals, however, on the condition that there should be a thorough democratization of the Upper House and that the proportional system should apply also in elections to that body.<sup>2</sup> Since the Upper House was elected by certain local bodies (*Landsting* or provincial assemblies, and the representatives of the communes), it was necessary to have these bodies also chosen by the proportional system, otherwise proportionality for the Upper House would have been mere empty form. The reform of 1907 brought about, then, the inauguration of proportional representation in elections to both the

<sup>1</sup> This view was presented especially by Staaff, at that time the leader of the Liberal party. After his death (1915) was published his great work, *Det demokratiska statsskicket* (*Democratic Government*), 2 vols., Stockholm, 1917, dealing particularly with the constitutions of England, the United States, France, and Switzerland.

<sup>2</sup> Wallengren, *Förstakammar frågan inför svenska riksdagen efter 1866* (*The Question of the Upper House in the Swedish Riksdag after 1866*), Lund, 1916.

Upper and Lower Houses of the Riksdag (Parliament), and also in large measure in communal elections.

This reform, which became definitively effective in 1909, was gradually applied, first to the elections for the Lower House in 1911. It is not, however, the system of 1907 that is now in force, for from that time to the present there have been a number of changes in the regulations concerning the general elections. In the first place, political and communal life has become considerably more democratic, particularly through the abolition in 1918 of plural voting in communal elections (together with an important change in the composition of the Upper House), and through the adoption of woman suffrage in 1919. In the second place, proportional representation has been more widely applied, especially in that in 1918 the autonomous popular assemblies in the rural communes (*kommunalstämmorna*) throughout the larger part of the country were supplanted by representative assemblies (*kommunalfullmäktige*) chosen according to the principle of proportional representation. The public life of Sweden has therefore become thoroughly "proportionalized." Thirdly, the regulations adopted in 1907 were found to be technically unsatisfactory, and so various changes have been made in the method of election and particularly in the technical aspects of the system. In the main, the same principles apply to all elections, and what is said in the following about the conduct of elections to the Lower House will in essentials apply to the Upper House and to the communal assemblies.

For the purpose of elections to the Lower House, the country is divided into 28 election districts, which coincide, as a general rule, with the provinces or local administrative districts. The number of representatives from each district is based upon population, and at present is from 3 to 16. The result of the election is determined within each district for itself, and hence there is no method, as in some other countries, for adjusting the seats according to the total vote in the country as a whole.

Voting is by ballot, on which appears first the party designation (the party name or some other distinctive label), and thereafter the names of the candidates.<sup>3</sup> There are three steps in the counting of the

<sup>3</sup> At elections for the Lower House, a few names may also appear under the party designation (in accordance with a change adopted this year), labeled either as "minority" or as "factional" candidates. The purpose of this is to facilitate coöperation at elections between groups and parties that are closely in sympathy, but that still do not care to give up their independent position. For the sake of

ballots. In the first place, the ballots are arranged according to the party designation. Secondly, the order in which candidates within each party are to be considered for office is determined, according to their absolute numerical order.<sup>4</sup> If the names of A, B, and C are checked on the ballot in that order, then the ballot is not counted for B until A has been elected, nor for C until both A and B have been elected, and so on. If the party as a whole has used the same list, the arrangement of names on this list is the determining factor. If there are different groupings, as often happens, the lists of these respective groups compete with one another, so to speak, within the party, according to their respective electoral strength.<sup>5</sup> In the third place, the seats are distributed among the parties as units, even though split into factions, the d'Hondt plan being followed in this distribution. The votes are counted for each seat separately, and seats are then allotted in turn to the party which, at each count, shows the largest comparative vote. This comparative vote is the total party vote so long as the party has not been allotted a seat; after that it is determined each time by dividing the total party vote by the number of seats allotted plus one.<sup>6</sup> The seats assigned to a party are distributed among its candidates in the order described above.

simplicity, the regulations concerning this matter will be disregarded in this paper, and the party designation will be assumed to be changed finally.

<sup>4</sup> The regulations governing this so-called d'Hondt plan were worked out by the Swedish mathematician, Phragmén. They are found in the laws concerning elections to the Riksdag, sec. 19. Cf. *Proportionsvalssakkunnigas betänkande, II* (Stockholm, 1921), which is the basis for the rules now in force. For the manner in which these regulations work, see especially Von Heidenstam, *Några iakttagelser från 1921 års riksdagsmannaval* (*Some Observations on the Election of Members of the Riksdag in 1921*), Stockholm, 1922.

<sup>5</sup> In the case of minority or factional designations, the result is that these "factionals" in their contests with other "factionals," become important because of their united strength, regardless of the final results within these factional lists.

<sup>6</sup> For example, if the Conservatives cast 10,000 votes, the Agrarians 8,000, the Independents 4,000, and the Social Democrats 21,000, with 7 seats to be distributed, the result would be as follows:

- (1) Social Democrats (comparative vote = 21,000)
- (2) Social Democrats (comparative vote = 10,500)
- (3) Conservatives (comparative vote = 10,000)
- (4) Agrarians (comparative vote = 8,000)
- (5) Social Democrats (comparative vote = 7,000)
- (6) Social Democrats (comparative vote = 5,250)
- (7) Conservatives (comparative vote = 5,000)

In estimating the system of proportional representation in Sweden, several considerations are especially worthy of mention. It has often been alleged in public discussion that proportional representation has strengthened the influence of parties and weakened that of personalities, that it has, in a word, mechanized political and communal life. It is not difficult to understand how this view has arisen, for it is a fact that political life, and also to a certain extent communal life, changed more and more during the last decades from contests between personalities to tests of strength between parties. Twenty-five years ago the party system was still in its beginning. At that time there had already developed to some extent united parties in the Riksdag (parliament), which placed their stamp on the work of that body, and naturally these opposing elements were manifest also at the elections. But the campaigns were not conducted or directed by party organizations embracing the entire country, and communal life was affected even less.

Now the situation is quite otherwise. There are well-developed party organizations, not by any means as effective as those in the United States, to be sure, nor so autocratically organized, but rather depending in great measure upon the intelligent local opinion. However, the parties do appear under all circumstances as units, and what particular persons are elected is of less interest than the number of seats secured by each party. The work of the Riksdag, also, often depends more upon allegiance to a party than upon individual judgments. These are phenomena which are well-known in other countries, and which in general (and this should be emphasized) have not yet become so conspicuous in Sweden as in many other places.<sup>7</sup> They are, nevertheless, regretted very much by those who favor the older ideal of a highly intelligent, free and independent representative assembly, acting on its own best judgment; and hence there is much talk, in these quarters, about a regime of party and boss rule.

It is easy to understand also that people from various quarters should look upon these changes as the result of proportional representation, and a few have for this reason favored a return to the majority system, or at least some modification of the proportional system that would make the elections less partisan.<sup>8</sup> It seems clear to me, however, that greater partisanship would have developed, even though the majority system had been retained. In fact, it does not seem improbable that

<sup>7</sup> The members of the Swedish Riksdag have, on the whole, a very high reputation.

<sup>8</sup> Cf. especially *Proportionsvalssakkunigas*, *op. cit.*, note 4.

this phenomenon would have been even more marked, had not proportional representation been introduced. Parties are unavoidable, and the majority system requires of the voter a firmer discipline during elections than does the proportional system; for under the rules used in Sweden the individual is permitted to follow his own desires in the choice of persons, without thereby injuring the common interests of the party. It should be noted that the changes in election methods, which have taken place since 1907, were intended to increase individual freedom of choice within the party.<sup>9</sup> It seems clear, therefore, that the strengthening of party ties, which has taken place since 1907, is the result of democratization rather than of proportional representation.

Another question arises concerning the effect of proportional representation upon the party groupings themselves. It is well-known that the majority system has a tendency to hinder the growth of a large number of smaller parties and groups, in that it does not permit them to gain power; and, on the other hand, that the proportional system is unfavorable to the large party organizations of the English or American type. A glance at the political situation in Sweden reveals the fact that the number of parties has grown during recent years until at the present time there are six. Of these the principal parties are the Social Democrats (104 in the Lower House) and the Conservatives (65). In addition there are Communists (5), Independents (23), and Liberals (4), who together make up the remnants of the former dominant Liberal party; and, finally, the Agrarian party (23). The value of proportional representation in producing this result is doubtless in its advantage to the party rather than in promoting party unity. There is no doubt that the method of election used in Sweden secures representation for even comparatively small groups, and it follows that a voter, who desires his vote to count, need not adhere to either of the two larger parties in his district. It may happen, to be sure, as has often been the experience in Sweden, that the stronger parties will be to a certain extent over-represented, but it is not possible, particularly since the election districts were given eight representatives, for the larger parties to swallow up the smaller ones completely.<sup>10</sup>

<sup>9</sup> It was not until 1921 that the "absolute numerical order" was introduced. Before that time a dominant group might, without intending it, completely overturn the expectations of the party leadership, and bring about a meaningless election result. There was, therefore, a strong tendency to avoid such dominance.

<sup>10</sup> The election districts were smaller before 1921. For the general elections in Sweden from 1911 to 1921, see a comprehensive statistical study by Grönlund, in *Statsvetenskaplig tidsskrift*, 1924, pp. 214-257.



In view of these characteristic features of the system of proportional representation, it is a question whether the development might not have been otherwise if the majority system had been retained. It is a question whether the development might not then have led to less splitting of the representative groups, with the result that a few parties would have become so strong that each might have striven for majority control. This possibility need not be disputed, but one must remember that the development of the party system is not determined solely by the method of election, but also by other circumstances.

The party system in Sweden has always been, to a certain extent, a reflection of the natural division into classes and interests. In order that a few parties should continue to hold a dominant position, despite these divisions in the community, it would be necessary either that these class divisions correspond roughly to party lines, or else that each of the parties be able to arouse confidence and win support independently of class and interest. Neither of these assumptions is entirely warranted in Sweden. There is, to be sure, one class, the industrial workers, which is sufficiently numerous to form the foundation for a party structure of some consequence, namely, the Social Democratic party. But, on the other hand, there is no unified bourgeois group, but rather, as in most countries, a number of diverse classes and interests. Consequently, the natural groupings within the community are not of such a nature as to furnish the foundation for large parties. If the nonsocialist parties should, in fact, become more unified ("bourgeois union" is now often suggested), there would then be a two-party system based upon social distinctions, and therefore not subject to the influence of changing opinions, which in England gave power now to the Tories, now to the Whigs. Such a system would not at all come up to the ideal that was in the minds of opponents of proportional representation several decades ago.

The other possibility is that the parties might win support, to a certain extent, independently of the natural divisions within the community, through the overwhelming power of their principles. It is, in fact, something of this sort that was thought to be possible under the majority system. It was assumed that these principles would bring about party alignments which would not appeal to the interests of any particular class, but which would—as did the Tories and Whigs of the classical parliamentary period—appear as real national parties, seek-

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ing by their programs to compromise the conflicting interests of the classes, which must be done somehow.

It does not seem likely that the majority system would have operated in this way, had it been continued. Even in the countries of its origin, the two-party system has now developed a tendency to split up, and class divisions are more and more evident. In Sweden this tendency would doubtless be more marked, even under the majority system, since large parties based upon important national principles have never actually existed in Swedish history. There are in Sweden no political traditions which would hold together the large party organizations and check the natural tendency to split up into smaller groups. It should be remembered that in Sweden, a country where political liberty has existed at all times as in England, this liberty has pertained more particularly to the various groups in the community, such as the nobility, the clergy, the burghers, and the peasants. The "class Riksdag," made up of these four groups, which existed for more than two centuries before it was replaced by the two-house system in 1865, was a sort of class representation; and during that time it became ingrained into Swedish consciousness that the Riksdag should properly reflect to a certain extent the actual organization of the community. It was not at the elections, but in the Riksdag, that the important decisions were made through agreements between the various groups. The political life of the state centered about the four joint committees (of the Riksdag), where the positive results were obtained by compromising between the different views. Such practices became indelibly stamped on the nation's history.

It is not necessary to determine whether this tradition has been for good or for evil; it need only be stated as a fact. From the abolition of the class Riksdag in 1865 to the electoral reform of 1907, the history of Sweden shows no decided tendency toward the growth of large parties in the English or American sense. During that time, as before, the Riksdag was for the most part a heterogeneous body, composed of a relatively large number of varying groups and points of view, through the compromise of which decisions were reached. The most important factor was always the joint committee of the two houses, and there has never been a situation where one party governed alone. The Swedish people are therefore accustomed to the guaranty against abuse and misuse of power, even though inadequate, which consists in the necessity of reconciling the various elements in every problem before the

Riksdag. It is true that the Liberal party, which dominated the Lower House during the period before the reform of 1907, seemed, by virtue of its inclusiveness, to promise a party of the English type. But there is no reason to suppose that this condition, which has now entirely disappeared, would have continued had the majority system been retained.

In brief, large national parties are an unknown element in Sweden, and have no root in Swedish traditions. It is, therefore, not correct to say that proportional representation has killed them. Had not the proportional system been introduced, the very social conditions would have prevented the development of such parties; and they would have had to overcome the opposition which arises out of the fact that the two-party system would have required a reorganization, so to speak, of the whole political mechanism.

This distribution in representation, which therefore is an important element in the Swedish state system, is obviously related to the question of the form of government. The Swedish government, as is well known, is in the main of a decidedly dual character, and has often quite justly been compared with that of the United States.<sup>11</sup> In theory the King selects his advisers freely; but for more than three-quarters of a century the Riksdag has had an important influence in the selection of the government, in part negatively, in that the attitude of the Riksdag has actually forced ministers to resign, and in part positively, in that recently the King has found it necessary to seek his advisers among those who have the confidence of the Riksdag.<sup>12</sup>

It is, of course, clear that a parliament so divided as is the Swedish Riksdag can operate negatively more easily than positively. Since there has rarely been a party which alone controlled a majority in the Lower House (and never one which at the same time controlled both houses), it is not easy to obtain a positive expression of the desires of the Riksdag with respect to the conduct of the government. The situation is the more complicated in that, with respect to the selection of the government, account must be taken of the party situation, not only in the Lower House but also in the Upper. The principle that both houses

<sup>11</sup> Fahlbeck, *Sveriges författning och den moderna parlamentarismen* (Sweden's Constitution and Modern Parliamentarism), Lund, 1904; Rexius, *Presidentmaktens renässans i Förenta Staterna* (The Renaissance of the Presidency in the United States), Uppsala, 1916.

<sup>12</sup> Kihlberg, *Den svenska ministären under ständsriksdag och tvåkamarsystem* (Swedish Ministries under the Class-Riksdag and under the Two-House System), Uppsala, 1922.

are of equal authority is not mere empty form in Sweden.<sup>13</sup> Every government desires at least to be able to count upon a majority of the total membership of the Riksdag (150 in the Upper House and 230 in the Lower), because in the so-called "joint voting," when the votes of both houses are counted together, budget matters could be decided in spite of the opposition of one house. For several decades, however, it has been the fixed rule that the government should be supported in one way or another by the dominant political group; to this extent it may be proper to call the Swedish system parliamentary. But the rule is very uncertain in its application, and one cannot demand that a party shall have an absolute majority in order to form a government, for that condition, as suggested, has never been realized. The specific situation at each governmental crisis becomes the determining factor, and most often the conditions are such that various solutions are possible.

It is, therefore, in respect to this matter that the most noteworthy consequences result from the party divisions in the Riksdag. A government based upon one majority party has not been seen in the recent history of Sweden. Lindman's Conservative government (1906-1911) had a majority in the Upper House and on joint ballot, but not in the Lower House. Staaff, at the height of his Liberal government (1911-1914), had a strong center party to build upon, and could get support on various questions from the Right or the Left ("jumping parliamentarism"), but he did not have a majority.

In default of majority parties, a coalition of parties may naturally serve as a support for a government. Such a situation existed from 1917 to 1920, when Eden relied upon a strong majority of Liberals and Social Democrats in the Lower House, and at the same time controlled the joint voting. Since that time the difficulties have become almost chronic. The present government is the fifth since the spring of 1920, and one of them, resulting from an especially chaotic situation in 1921, was an experiment in unparliamentary government. The other four have been more or less characteristic party governments, supported by minorities and therefore compelled to govern by continual negotiations and agreements with other parties, particularly with the Center parties, which have therefore (like the "wagon tongue") gained an influence out

<sup>13</sup> Before 1918, while the Upper House was still based upon the "census", and the Lower House was thus numerically the most representative of the popular will, the Left parties maintained the principle of "Lower House Parliamentarism." Since both houses are now about equally democratic, it is generally acknowledged that the Upper House should be completely equal in authority to the Lower.

of proportion to their numerical strength. One of these (that of Trygger, 1923-1924) relied upon the Right, as did Hammarskjöld (1914-1917) and Swartz (1917). The other three were Social Democratic (with Branting as premier), and have in each instance had a larger number of votes to rely upon, but not a majority. They have, therefore, in spite of the gradual tendency toward a majority position, been compelled to seek support from other parties, and as a result have each time met greater rather than less difficulties.

There are thus seen to be many tendencies in Sweden at the present time toward weakness in the government. The crux of the situation is clearly in the Riksdag and more particularly in the joint committees (as above described), which at present may be characterized as more powerful than ever before. The situation approaches more nearly "congressionalism" than parliamentarism, and the cause is in the party divisions and in the absence of majority parties. It cannot be denied that this condition is accentuated by proportional representation; but, in view of Swedish political traditions, it seems doubtful, as has already been suggested, whether the Riksdag, if constituted under the majority system, would show so much more of a disposition toward harmony as to serve as a foundation for parliamentarism along the lines of the English system. One may be doubtful on that point, when one considers that the entire history of the Riksdag, extending over centuries, does not show a single instance of a strong government on the parliamentary basis. The whole history of Sweden confirms the well-known theory that it is difficult to build an authoritative government on a democratic foundation.

Proportional representation is still too new in Sweden for one to pass sure judgment on its working and on its prospects for the future. As has been shown, there are various elements that are always critical of it. In spite of criticisms of the manner in which the principles have been applied, and in spite of observations with respect to the serious consequences in important districts, there is no doubt that the people in general are fairly well satisfied with the system itself. No party advocates a return to the majority system; and the best proof that proportional representation is sound is in the fact that its fundamental principle (complete justice to all parties) accords so well with Swedish political traditions. This fundamental idea manifestly has no *a priori*, universal validity. In other countries it is considered quite proper that smaller parties should be completely vanquished, and that the domination of the victor should be complete. That point of view has doubtless much

in its favor under certain circumstances, but is inconsistent with Swedish thinking. There are in Sweden deep-rooted ideas about the right of the different classes, groups, and opinions to share in the government, and the Swedish people are satisfied that proportional representation promotes this just principle.

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**The German Presidential Election.** The recent presidential elections in Germany aroused world-wide interest in spite of the strictly limited constitutional powers of the president. For the first time the German voters were privileged to select the chief executive of the state.<sup>1</sup> The question whether they would turn to some one in sympathy with the pre-war regime or would select an adherent of the Weimar republican constitution was one the answer to which might have important bearings on European politics. Moreover, the personalities of the candidates, especially in the second election, were such as to add to the interest which both Germany's friends and foes felt in the outcome. The election of General Hindenburg, although it probably had less significance than was attached to it in many quarters, must be recognized as one of the major political events of post-war European history.

Shortly after the death of President Ebert on February 28 the party leaders began to make preparations for the coming elections.<sup>2</sup> The parties of the left advocated, not only an early election, but also the passage of a special law providing for a temporary president, on the ground that it was undesirable for the Chancellor to occupy also the presidential office for the period of two or three months.<sup>3</sup> Both these suggestions were accepted by the government. On March 9 the Reichstag set

<sup>14</sup> Translated by Fred Berquist, of the Robert Brookings Graduate School of Economics and Government, and Clarence A. Berdahl, of the University of Illinois.

<sup>1</sup> The first president, Frederick Ebert, who died February 28, was chosen by the Weimar Constituent Assembly in 1919.

<sup>2</sup> According to the German Constitution the president is elected for a full term of seven years. There is no vice president; hence in case of the death of the president an election is ordered at once. In the meanwhile the Chancellor acts as President.

<sup>3</sup> *Frankfurter Zeitung*, March 3, 4-7; *Vossische Zeitung*, March 3. In the issue of March 6 the Democratic leader, Anton Erkelenz has an article in favor of a temporary president.

March 29 as the date of the first election, and April 26 as that of the second. On the following day it selected Dr. Walter Simons, president of the *Reichsgericht* or national court, to serve as chief executive until after the election of the new president.<sup>4</sup>

The Communist party was the first to set up a presidential candidate. Since this party is an irreconcilable group, it made no efforts to come to an agreement with other parties, and on March 3 the central committee of the party nominated Ernst Thaelmann of Hamburg, transport worker and member of the Reichstag, as its candidate.<sup>5</sup>

Among the other parties there were protracted conferences relative to the possibility of the selection of a candidate acceptable to all groups. On both the right and the left the desirability of such a course of action was recognized and strongly urged. Both sides spoke in favor of the selection of a candidate who would stand above partisanship<sup>6</sup> and made serious efforts to bring about this result. However, it was found impossible to bring the right and left groups together. The two leading parties of the right, the Nationalist and the People's, were interested primarily in defeating the Social Democrats. To accomplish their purpose they were willing to support a candidate acceptable to the Centrists and the Democrats. In other words their efforts were directed toward the perfecting of a so-called "bürgerbloc." Against this policy the Democrats took a strong stand.<sup>7</sup> They also expressed the wish for a coalition of parties but insisted upon a joint candidate definitely committed to the maintenance of the republican constitution. They really wished a joint candidate supported by the Weimar coalition of Social Democrats, Democrats and Centrists. The Center party again held the balance of power. But the Center, with its followers ranging all the way from conservatives to radicals, found great difficulty in making a decision. Ultimately the left wing of the Center determined the party's policy, but not until after the Social Democrats had nominated their own candidate and thus prevented the Weimar coalition from entering the first contest with a joint candidate.<sup>8</sup> Had the Center immediately selected Marx as its candidate the Socialists and Democrats would probably have supported him in the contest of March 29.<sup>9</sup>

<sup>4</sup> *Frankfurter Zeitung*, March 10, 11.

<sup>5</sup> *Frankfurter Zeitung*, March 4; *Rote Fahne*, March 3.

<sup>6</sup> *Frankfurter Zeitung*, March 3; *Vossische Zeitung*, March 3.

<sup>7</sup> See editorial by Bernhard in *Vossische Zeitung*, March 3.

<sup>8</sup> *Frankfurter Zeitung*, March 8, 9, 10.

<sup>9</sup> *Germania*, March 8; *Frankfurter Zeitung*, March 8, 9.

Although the People's party and the Nationalists tentatively put forward Dr. Karl Jarres, mayor of Duisburg and vice chancellor in the Marx ministry, as their joint candidate as early as March 3, it was not until March 12 that the nomination was made definitive. During the intervening days the two parties of the right carried on negotiations with the Centrists and Democrats in the hope of reaching an agreement for a joint candidate of the bourgeois groups. The organization which took the lead in these party conferences was the so-called *Loebell-Ausschutz*, a committee made up of representatives of the Nationalist, People's, and Bavarian parties, and the Economic Alliance.<sup>10</sup> This committee, although most of its members favored the Jarres candidacy, repeatedly considered other possible candidates upon whom all non-socialist parties might unite. At first the name of Stegerwald, conservative Centrist, was considered.<sup>11</sup> If the Center had chosen Stegerwald the parties of the right would doubtless have abandoned Jarres. This, however, the Center refused to do, chiefly because of the popularity of Marx but also because it could not allow others to dictate its policies.<sup>12</sup>

On March 9, the Democratic party, through its executive committee, sent a communication to the various party organizations, including the Loebell committee and the Social Democratic party, suggesting that all groups agree to support Dr. Simons for the presidency.<sup>13</sup> That there was no intention on the part of the Democrats to bring about the *bürgerbloc* was shown by the fact that the communication was sent to the Social Democrats in the hope that they might reconsider their previous decision to support Dr. Otto Braun, formerly prime minister of Prussia.<sup>14</sup> In reply to this suggestion of the Democrats, the Loebell committee called the Centrists and the Democrats to a further conference, to which, however, the Social Democrats were not invited. At this conference the parties of the right refused to accept Simons or Marx, while the Democrats remained firm in their opposition to Jarres. It was then suggested that Dr. Gessler, the minister of defense, be selected

<sup>10</sup> *Frankfurter Zeitung*, March 13.

<sup>11</sup> *Vossische Zeitung*, March 11; *Frankfurter Zeitung*, March 8 and 9.

<sup>12</sup> On March 8 *Germania* said, "Perhaps we would have no objection to Stegerwald's candidacy if the party itself should decide upon it, but it is impossible to allow the parties of the right to dictate to us our party's policy."

<sup>13</sup> *Frankfurter Zeitung*, March 10; *Vossische Zeitung*, March 10.

<sup>14</sup> *Ibid.* The Republican organization known as Schwartz-Rot-Gold made repeated efforts to bring the Social Democrats, Democrats, and Centrists together in support of a republican candidate. See *Vossische Zeitung*, March 11.



as a compromise candidate. The Loebell committee accepted this proposal on condition that the Centrists and Democrats should do likewise. Although Dr. Gessler is a member of the Democratic party, he was strenuously opposed by the leading Democratic papers, on the ground that his nomination would in fact result in what the parties of the right had constantly sought to accomplish, the establishment of a bourgeois bloc.<sup>15</sup> Gessler's nomination was likewise opposed by Dr. Stresemann, leader of the People's party, who throughout the party conferences remained the most vigorous supporter of Dr. Jarres. Finally all attempts at agreement were abandoned and the several republican parties, as well as some parties farther to the right, nominated separate party candidates and thus made practically certain that no candidate would receive the absolute majority required by national law in the first election.

In the contest of March 29 there were seven candidates: Otto Braun, Social Democrat; Dr. Heinrich Held, Bavarian People's Party; Dr. Willy Hellpach, Democrat; Dr. Karl Jarres, supported by Nationalists, People's party, the Economic Union, and various small groups of the right; General Erich Ludendorff, Extreme Nationalist (Völkische); William Marx, Center; and Ernest Thaelmann, Communist. The German Hannoverian party gave its support to Premier Held of Bavaria as the only federalist candidate.<sup>16</sup>

The groups supporting Jarres, organized for the campaign into the so-called Reichsbloc, repeatedly called attention to the fact that their candidate was the only one supported by numerous groups, and on this ground they spoke of him as the only really national candidate against whom were arrayed the several party candidates.<sup>17</sup> The Reichsbloc adopted as its campaign slogan: "*Die Einheit der Deutschen, die Reinheit des öffentlichen Lebens, das Staatswohl über den Parteigeist! Ein Weg, Ein Wille!*"<sup>18</sup> Jarres carried on an active campaign and spoke in numerous cities. He and his followers strenuously denied that the issue of the campaign was Republic v. Monarchy, as some of their

<sup>15</sup> See *Frankfurter Zeitung*, March 12 and 13; *Vossische Zeitung*, March 13.

<sup>16</sup> *Preussische Kreuz-Zeitung*, March 18.

<sup>17</sup> See article by Count Westarp in *Preussische Kreuz-Zeitung*, March 15. Also the party call of the People's party, *Die Zeit*, March 18.

<sup>18</sup> *Preussische Kreuz-Zeitung*, March 15; *Der Tag*, March 15; *Die Zeit*, March 15; *Deutsche Allgemeine Zeitung*, March 17. For critical comments on the Reichsbloc see *Frankfurter Zeitung*, March 15; *Vorwärts*, March 15.

opponents claimed,<sup>19</sup> and insisted that he stood only for the upbuilding of German political and economic life.

The campaign was characterized by intense bitterness and many personal attacks. Jarres was accused of having favored temporarily renouncing the Rheinland and then winning it back at the point of the bayonet.<sup>20</sup> He was designated "*Versackungspolitker*" and he in turn called his opponents by the same name.<sup>21</sup> The claim of the Democratic party that their candidate Hellpach represented the best in German culture was singled out for ironical attack by the parties of the right.<sup>22</sup> The republican parties emphasized the fact that numerous reactionary organizations, such as Werwolf, Stahlhelm, and Wiking were supporting Jarres, and that for this reason the candidate for the Reichsbloc should be recognized as an exponent of reaction.<sup>23</sup> Marx carried on his campaign in a very quiet manner. He made but few speeches. According to the *Germania* he understood better than his opponents the proprieties that should characterize a presidential campaign.<sup>24</sup>

The religious issue was injected into the campaign and aroused great bitterness. Pleas for the election of Jarres on the ground that he was the representative of the Evangelical faith were made in ultra-conservative quarters.<sup>25</sup>

The official result of the election of March 29 was as follows:<sup>26</sup>

The total number of valid ballots was.....	26,856,002
Braun.....	7,798,346
Held.....	1,006,790

<sup>19</sup> In his speech of March 18 in Berlin Dr. Jarres denied that he represented any particular party or economic interest and said that he would live up to the oath of office required by the Weimar constitution. He admitted, however, that he did not consider the existing constitution ideal, and that many of its provisions needed amendment, an opinion which as reported in the *Kreuz-Zeitung*, March 19, was followed by "*Stürmischer Beifall und Händeklatschen*". He also stated that, while the colors of the existing republic demanded respect, the old colors, Black, White, Red, should be honored as the symbol of past achievements. This address was scathingly criticised by *Vorwärts*, March 19 under the caption, "Jarres reveals himself." See also *Frankfurter Zeitung*, March 18, 20, 21; *Vorwärts*, March 28, 29.

<sup>20</sup> *Vorwärts*, March 19; *Frankfurter Zeitung*, March 24.

<sup>21</sup> *Der Tag*, March 21, 22, and 23; *Die Zeit*, March 19, 20; *Deutsche Allgemeine Zeitung*, March 24.

<sup>22</sup> *Der Tag*, March 23, 24, 26.

<sup>23</sup> *Vorwärts*, March 15, 17, 18.

<sup>24</sup> March 26.

<sup>25</sup> See *Preussische Kreuz-Zeitung*, March 28.

<sup>26</sup> *Die Zeit*, March 31.

Hellpach.....	1,567,197
Jarres.....	10,408,365
Ludendorff.....	284,975
Marx.....	3,884,877
Thaelmann.....	1,871,207
Scattering.....	34,245

Only about seventy per cent of the eligible voters went to the polls, as contrasted with the eighty per cent who voted in the December Reichstag election.<sup>27</sup>

Several definite conclusions were drawn from the outcome of the first balloting. In the first place, all the republican leaders saw the futility of separate candidacies. Jarres had received almost three million more votes than Braun, the Socialist candidate. This fact and the requirement of only a plurality in the second balloting insured a joint candidate supported by Centrists, Democrats, and Socialists.<sup>28</sup> Secondly, the Reichsbloc was disappointed with the showing made by Jarres, and immediately after the election began to search for a more popular candidate to meet the republican candidate.

The Center party at once decided to renominate William Marx for the second election set for April 26,<sup>29</sup> and it was generally recognized that the Democrats and Socialists would support his candidacy.<sup>30</sup> All of the difficulties in the way of this course were removed when the Centrists and Democrats agreed to support Otto Braun, Socialist, for Minister President of Prussia and thus to solve the long-standing cabinet crisis in Prussia.<sup>31</sup> On April 3 Marx was proclaimed candidate of the Volksblock.<sup>32</sup>

Among the parties of the Reichsbloc protracted conferences concerning candidates were again held. Stresemann, through his organ, *Die Zeit*, had stated even before the balloting of March 29 that Jarres would again be the candidate in case a second contest should be necessary.<sup>33</sup> He continued to stand by his candidate, and on April 1 the executive committee of the People's party unanimously endorsed the Jarres candidacy.<sup>34</sup> Among the Nationalists, however, there was no great

<sup>27</sup> *Political Science Review*, May, 1925, p. 368.

<sup>28</sup> *Vossische Zeitung*, March 31.

<sup>29</sup> *Germania*, March 31.

<sup>30</sup> *Vossische Zeitung*, March 31.

<sup>31</sup> Braun was elected head of the Prussian government by the narrow majority of four votes in the Landtag, *Vorwärts*, April 3.

<sup>32</sup> *Vossische Zeitung*, April 4; *Germania*, April 4.

<sup>33</sup> *Die Zeit*, March 24.

<sup>34</sup> *Die Zeit*, April 2, 3, 4, 6.

enthusiasm for Jarres. Persistent attempts were made to bring about the nomination of Field Marshall von Hindenburg, and these efforts were finally successful. On April 8 it was officially announced that Hindenburg, after twice refusing to consider the presidential nomination, had finally consented to accept the nomination at the earnest solicitation of Admiral Von Tirpitz.<sup>35</sup> The Bavarian People's Party was an important factor in promoting Hindenburg's nomination. This party, though opposed to Jarres, strongly endorsed Hindenburg.<sup>36</sup>

The nomination of Hindenburg was received with unbounded enthusiasm in ultra-conservative circles.<sup>37</sup> He was lauded as the man who above all others deserved respect of the German people. An editorial in the *Kreuz-Zeitung*<sup>38</sup> declared that Marx was a small-party politician compared with Hindenburg, the maker of history. The republican parties, however, considered the nomination of Hindenburg a serious political blunder. *Vorwärts* called it a serious blow to Germany's foreign relations; stated the issue as monarchy and war or republic and peace; and thought its advocates depended upon sentimental sympathy for an old soldier who had had the misfortune to lose a great war.<sup>39</sup> The *Voss'sche Zeitung* deplored the fact that an old man who had hoped to spend his remaining days in peace had been forced into campaign for a position for which even his best friends admitted he had no aptitude and called upon the German voters to mitigate the error of the Reichsblock by electing Marx.<sup>40</sup>

The second campaign was more bitterly fought than the first. The campaign cry of the republicans was republic or monarchy.<sup>41</sup> Their opponents called this a false issue, although their candidate was generally recognized as a monarchist at heart, as were doubtless the vast majority of his supporters.<sup>42</sup> The republican speakers stressed also the dangerous results that would follow the election of a president recognized abroad as the very embodiment of German militarism,<sup>43</sup> while the

<sup>35</sup> *Die Zeit*, April 8, *Preussische Kreuz-Zeitung*, April 9.

<sup>36</sup> *Die Zeit*, April 7, 8.

<sup>37</sup> *Preussische Kreuz-Zeitung*, April 9; *Der Tag*, April 9; *Deutsche Allgemeine Zeitung*, April 9, 10.

<sup>38</sup> March 9.

<sup>39</sup> April 9.

<sup>40</sup> April 10.

<sup>41</sup> Speech of Marx in Königsberg, *Germania*, April 15; and in Stettin, *Ibid.*, April 16.

<sup>42</sup> *Deutsche Allgemeine Zeitung*, April 15.

<sup>43</sup> *Germania*, April 15.

Reichsbloc newspapers and campaign orators called attention to Hindenburg's statements in favor of peace.<sup>44</sup> In many districts strong anti-Catholic feeling was aroused by Protestant organizations campaigning for Hindenburg.<sup>45</sup>

The campaign in many respects resembled an American presidential election. There were great parades and many public meetings, at which party leaders and the candidates addressed the voters on the issues of the campaign.<sup>46</sup> Even Hindenburg was induced to make a few pronouncements. Just before the election both he and Marx made appeals by radio.

That the strenuous campaign succeeded in arousing the voters was indicated by the fact that 30,351,948 valid ballots were cast. They were divided among the candidates as follows:<sup>47</sup>

Hindenburg.....	14,655,766
Marx.....	13,751,615
Thaelmann.....	1,931,151
Scattering.....	13,416

Eighty per cent of all those eligible to vote went to the polls, as compared with somewhat less than seventy per cent who voted in the election of March 29. Marx received a half million more votes than did the three republican candidates in the previous contest, while Hindenburg received almost three million more votes than did Jarres, Ludendorff, and Held together. Evidently the nomination of Hindenburg was just what was needed to bring the German voters to the polls.

The result of the election caused great rejoicing among the followers of the Reichsbloc, who saw in it evidences of the restoration of the old German spirit of nationalism.<sup>48</sup> Their enthusiasm was, however, slightly dampened by the new president's inaugural address of May 12, in which he definitely stated that the oath he had just taken was one to uphold the republic.<sup>49</sup> Although Hindenburg was elected by those who believe in the monarchical principle, Georg Bernhard, editor of the *Vossische*

<sup>44</sup> *Deutsche Allgemeine Zeitung*, April 15.

<sup>45</sup> *Germania*, April 22; *Vossische Zeitung*, April 25.

<sup>46</sup> *Germania*, April 18.

<sup>47</sup> *Die Zeit*, May 5.

<sup>48</sup> *Der Tag*, April 27, considered Hindenburg's election a victory of the black-white-red Germany over the black-red-gold symbol of the republic and revolution, a victory of political reason, of purity in public life, and of the glorious traditions of Germany.

<sup>49</sup> *Vossische Zeitung*, May 13; *Berliner Tageblatt*, May 13.

*Zeitung*, declared on the day after the inauguration: "Yesterday the monarchic idea in Germany lost its significance."<sup>50</sup>

ELMER D. GRAPER.

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**Jugoslavia in the Making.** Both Serbs and Croats have deserved more conciliatory and understanding leadership than they have received since the war. History had treated them very differently, and once they were united in a Yugoslav national state every resource of statesmanship should have been exercised to ease over their psychological and material dissimilarities. Writers have made much of the religious gap between Catholic Croats and Orthodox Serbs, and of the former's use of the Latin alphabet and the latter's of the Cyrillic. The fact remains that they are of the same race, speak the same language, and for generations dreamed of union and worked for it. The difference between them is one of training and is to a large degree temporary.

The Croats, inhabiting a land of fertile plains and broad sluggish rivers, were accustomed to seeing their politicians go up to Vienna and Budapest as to the stronghold of an enemy, and there play, as a matter of course, a rôle of obstruction and opposition. They have found it difficult to adopt more positive and constructive habits. For the people of the remote Balkan principality of Serbia, politics was something much more real and much more hard; they struggled against Turk and Hapsburg over a hundred years before they succeeded in achieving their own complete independence, and with it the independence of the other Yugoslavs who had been under German and Magyar rule. It is hard for them to realize fully that the fight is now over and that qualities of compromise are needed. Among the Croats—more western than the Serbs, more versed in the ways of business life, but perhaps with less positive moral force—there has been a disposition to talk about the old days when trains were run better, when living was cheaper, when comfortable hotels awaited politicians at Vienna and Budapest instead of those of unkempt Belgrade, and when political life offered just as many chances for oratorical display, but with lighter responsibilities. In Serbia, on the other hand, there has been noticeable a feeling of rather

<sup>50</sup> *Ibid.* *Vorwärts*, however, declared, "The President who was elected by monarchists, spoke yesterday as a republican, the president who was elected by the Nationalists spoke as a pacifist . . . . After the election the victor declares himself in favor of all the principles approved by his opponents. *Das ist der Januskopf, mit dem die Aera Hindenburg in Erscheinung tritt.*" May 13.

supercilious envy toward the fortunate sections of the country which were not ravaged by the enemy and which could not claim, except in notable individual cases, much of the glory for the outcome.

Since the beginning of the war, Serbia's destinies have seldom been out of the hands of Nikola Pashitch, now over eighty, an inveterate enemy of all Serbia's enemies, whether Turk, Bulgar, Austrian or Magyar, a man of unusual authority and perspicacity in party politics, a towering relic of old Balkan days when every man's hand was against his neighbor, and the Devil, or one of the Great Powers, took the hindmost. He carried Serbia through the war and fought her battles at the Peace Conference. He accepted, though with less enthusiasm than some, the achievement of Yugoslav national unity, and he became the first premier of the new kingdom in which his more familiar Serbia was merged. What doubts he had regarding the durability of the new structure led him naturally to bend every effort toward strengthening and consolidating it. Knowing that there were persons of influence in the state who had fared better under the old regime than they were likely to do under the new, and that the country was surrounded by former enemies ready to take advantage of the first sign of weakness, he pressed for the creation of a strong central government, able to override forces of disintegration within and presenting a united front, diplomatic, military and commercial, toward threatened aggression from without. The constitution which he had Parliament adopt erased the old historic frontiers, supplanted the provincial diets by one legislative body, and otherwise sought to centralise authority in Belgrade. It can fairly be said, however, that, whatever the first necessities for national consolidation, the process was pressed much too fast and carried too far.

Croat particularism found its chief protagonist in Stefan Raditch, a Zagreb bookseller who was already viewed with suspicion in Belgrade because he had been a supporter of the Hapsburgs during the war. Raditch displayed immense activity and ability in organizing the peasants of Croatia into a party of which he became the absolute arbiter. Under his voluble direction, Croat opposition to the centralist tendencies of the Yugoslav government grew into republicanism and separatism. It is difficult to judge how much the Croat peasant cares about either principle. There are plenty of stories of peasants who shout for a republic, and when asked to name their candidate for first president say, with some surprise, why Alexander Karageorgevitch, of course. Even if such tales are true, they prove little, except that the

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peasants are easily influenced by demagogy. Nevertheless, few persons who have travelled much in Croatia since the war, who have talked with the Croatian political and intellectual leaders and with the peasant deputies elected to Parliament, have ever really believed either that Croatia is likely to try seriously to split off from Serbia or that, so long as Serbia retains her present dynasty, Croatia will do more than talk about a republic.

In the 1923 elections, after a campaign in which they claimed to have been very badly treated, 70 Raditch deputies secured election to Parliament; but, by a cardinal error of tactics, they did not present themselves at Belgrade. Raditch had already at that time begun his propaganda for a Croat Peasant Republic, but the mandates of his deputies would nevertheless have been ratified without question. By abstaining from parliamentary life he not only laid himself open to very proper criticism but he left his opponents free to direct the policy of the country and to pass several repressive laws against communism, from the application of which he himself has suffered:—held for trial in the Zagreb jail on charges of negotiating with enemies of the state, including the Moscow government, representatives of Admiral Horthy, and Todor Alexandroff, the Macedo-Bulgar comitadji leader, as well as of speaking against the King, libelling the army, and urging men approaching military age not to present themselves for service.

Not without reason, in view of his activities, Raditch in July, 1923, thought himself in danger of arrest and left the country. Meeting with rebuffs both in Paris and London, he proceeded to make his second cardinal error. Figuratively thumbing his nose at the western powers, who had refused to internationalise the Croat question, and at Pashitch, left in undisputed power at Belgrade, he went angrily off to Moscow. There he joined the Peasant International; and on August 3, 1924, the Croat Peasant deputies, in session at Zagreb, approved the party's membership in the International also. Inasmuch as Smyrnov, commissar for agriculture in the Soviet government, is president of the Peasant International, and since the latter's headquarters are in Moscow and its foreign activities are often carried on through the emissaries of the Soviets, the subsequent protests of Raditch that he is in no sense a communist did not meet with general credence. Personally, however, I have always inclined to think him quite truthful in this. Certainly his peasant constituency is not communist, nor are political associates of his, such as Dr. Trumbitch. It seems more probable that he went to Moscow in the naïve hope of scaring Belgrade and of using Moscow as a pawn in his political manoeuvres.



The action of the Croat Peasant party in officially aligning itself with the Peasant International came, as will be seen, at a disastrous moment. For a long time the King and many moderate Serbs had been disturbed by the continued absence from Parliament of the Croat Peasant representatives. In the spring of last year Raditch belatedly appeared to realize that he had an opportunity of coming to power if he could make a deal with the other opposition groups,—in particular the Serb Democrats under Davidovitch and the Slovenes under Koroshets. He decided, as a first step, to send twenty of his deputies to Parliament. Pashitch by now was thoroughly aroused against Raditch, but after some argument consented that the twenty should take their seats. Raditch then sent up another block of deputies. Pashitch saw that if all the Raditch deputies were admitted his majority would disappear, so he adjourned Parliament (as he technically had a right to do) and requested authority from the King to hold new elections.

The King was in a difficult situation. He owed much to Pashitch, but he saw the danger of slamming the door in the face of the Croat deputies whom he so much wished to get back into parliamentary life. The opposition had been in a minority because Raditch had refused to participate, but supposing that they could all unite they would be a majority. The King felt that in this unusual situation he was justified in going beyond the technical limitations of his position. He consulted the president of Parliament, Ljuba Jovanovitch, and being given Jovanovitch's opinion that Parliament could still work he accepted Pashitch's resignation, refused him authority to hold new elections, and entrusted the formation of a more or less neutral cabinet to Jovanovitch. Jovanovitch's attempt having failed, the King consulted Davidovitch, leader of the Serb opposition, and was assured by him that he could secure the collaboration of Raditch on terms not detrimental to the safety of the state, *i.e.*, a definite program was to be drawn up, specifying that the monarchy and the union were to be preserved. Thereupon he entrusted to Davidovitch the powers of government. The King's courage and good sense in thus finding means for giving an opportunity to the opposition to form a cabinet and settle the Croat question have not been sufficiently recognized.

The intransigence of Pashitch had been circumvented. Raditch's erratic habits and lack of political sense were now to block the path to understanding. The reply to the first efforts of Davidovitch to get the Croat leader's coöperation on any program falling within the general bounds of his undertaking with the King was the action of the Peasant

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Party in definitely joining the Peasant International, as already described. Instead of seizing the proffered opportunity to work out the Yugoslav constitutional question in Parliament, Raditch seemed to think it a sign of weakness and intensified his attacks on the army and his propaganda for a separate Croat republic. The King became uneasy, but in reply to his repeated urgings that Davidovitch agree upon terms with his prospective collaborator he received nothing but assurances that the matter was under way and that all would be well.

Davidovitch had come to power in July; it was now October, and still nothing definite had happened. Raditch was accustomed to make a fiery harangue each Sunday. On the Saturday following one of his talks with the King, Davidovitch sent a special emissary to Zagreb to beg Raditch to use moderation in his speech the next day, pointing out that the whole project of collaboration between the Serb opposition and the Croat Peasant Party was on the point of collapse. That Sunday's speech was the one in which Raditch, in particularly violent terms, asserted that the Government was squandering 10 billion dinars a year to maintain a vast army of 300,000 soldiers. As the Budget Law decreed that there should be 134,764 men of all ranks in the army, and 3,224 men of all ranks in the navy, and provided less than 2 billion dinars a year for their combined support (or less than one-fifth of the sum mentioned by Raditch), the minister of war in the Davidovitch cabinet resigned, protesting that he could not continue in a government predicated on a man whom he considered such a mischievous liar. As even at this crisis Raditch could not restrain himself, the King reminded Davidovitch that he had given him a mandate to form a cabinet on his assurance that it would be a majority government in which all the former opposition groups took their share of responsibility, pointed out that the collaboration of Raditch had not been secured and evidently could not be secured, and said he saw nothing for it but for Davidovitch to admit failure. But he told Davidovitch that if he chose to make a public statement detailing precisely what had occurred he would believe that Davidovitch had tried conscientiously to carry out his undertaking to the Crown, and that he would feel justified in asking him to remain in office and organize new elections. Davidovitch accepted, but in the statement which he drafted showed that he still dreamed more of conciliating Raditch than of facing the situation frankly and carrying his program energetically to the country. The King felt he had now no resource but to ask for Davidovitch's resignation.

Efforts then undertaken to form a coalition cabinet failed, in part

because of the general anger provoked in Serbia by a speech in which Raditch went further than he had dared go before in defining his relations with Moscow. "The Soviet Government," he said, "has promised me, through the medium of Chicherin, that it will help us if we are threatened. In such a case we shall oppose the Belgrade rule with all our strength." The King by now was rather tired of his efforts to give the opposition a chance to try its hand at settling the Croat question. He saw that Raditch had let Davidovitch down, and that Davidovitch had in turn let him down. He turned back to Pashitch (who, after all, represented the largest single group in Parliament) and instructed him to form a cabinet and hold the elections which, at the request of Davidovitch, he had refused to allow him to hold several months earlier.

In the new elections, held on February 8, Raditch about held his ground, but Pashitch, by cutting into several minor groups, increased his representation from 131 to 162, which constituted a small but absolute majority. The prospect indeed looked dark for the Croat Peasant Party, stigmatised as communists and with their leader in jail. The Pashitch forces, rejoicing, declared they would validate none of the mandates of the Raditch members unless they specifically repudiated Moscow and disowned Raditch himself. It was a critical moment. At the advice of many party leaders, including Foreign Minister Nintchitch, Pashitch did not hold to the letter of this demand, and accepted a statement in Parliament by Raditch's nephew, Pavle Raditch, that the Peasant Party is not communist, that it recognizes the union and the monarchy, and that it promises to use parliamentary means in its efforts to change the existing Constitution. Parliament forthwith voted to seat all the Croat members elected for the first time on February 8, undertook to make an investigation into the communist activities of the thirty members who were reëlected (and who had been affiliated officially with the Peasant International), and only invalidated definitely the election of Raditch himself and four lieutenants held in jail for trial on specific charges of treason. On June 22, the thirty delegates-elect whose admission had been in doubt, were seated; and a despatch of July 15 states that a new cabinet is to be formed under Paschitch, in which the followers of Raditch will have five portfolios.

The result confirms the opinion that the fight has been far more essentially political than some foreign observers have imagined. For

the moment, at any rate, a happier complexion has been given a situation which not long ago was being interpreted in some quarters as marking the beginning of a period of open warfare between Serbs and Croats, with the dissolution of the state itself as a possible consequence. Personally, I do not believe that the Yugoslav union has been, or is, in question. The internal disagreements of these years are not part of a process of disintegration but of the process of building up. I hope that 138 years after the convoking of her first Constituent Assembly (on which occasion, in 1919, I had the good fortune to be present) Yugoslavia will be at least as united as our country seems to be 138 years after the meeting of the Continental Convention which in 1787, six weary years after Yorktown, drew up our Constitution. If it does not make such rapid progress there will be excuse and enough, because whereas we were left more or less alone in our struggle to agree among ourselves as to our machinery of government, Yugoslavia must wash her dirty linen in a small back yard, surrounded by a ring of alert neighbors intent on knocking down the clothes poles and urging the bad boys of the family to stamp the freshly-hung wash back into the old Balkan mud.

HAMILTON FISH ARMSTRONG.

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## NEWS AND NOTES

### PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

*University of Wisconsin*

The next annual meeting of the American Political Science Association will be held in New York City on December 28-30. The headquarters of the Association will probably be at the Hotel Pennsylvania. The chairman of the program committee is Professor A. N. Holcombe, of Harvard University. The American Economic Association and the American Sociological Society will be in session in New York on the same days. It is expected that the usual arrangement for a fare and a third will be procured from the railroads.

Professor Charles G. Haines has resigned from the Law School of the University of Texas to become professor of political science in the University of California, Southern Branch.

Dr. Isador Loeb, formerly professor of political science and at one time acting president at the University of Missouri, has become a member of the faculty of Washington University, St. Louis.

Dr. Thomas Reed Powell has resigned the Ruggles professorship of constitutional law at Columbia University to accept a similar position in the Harvard Law School. His successor in the Ruggles professorship is Dr. Howard L. McBain.

Professor James W. Garner, of the University of Illinois, delivered three addresses at the University of Nebraska, April 30 and May 1, as follows: Outlook of International Law, before the Faculty Club; Proposals for International Peace, at convocation; and Education in International Affairs, before the Phi Beta Kappa and Sigma Xi societies.

Drs. William Anderson and Harold S. Quigley, of the University of Minnesota, have been advanced to the rank of professor. Mr. C. Walter Young, instructor in the same institution, has been awarded the Willard Straight scholarship for study in the Far East.

Professor Herman G. James, of the University of Texas, has been appointed dean of the college of liberal arts and head of the department of political science at the University of Nebraska.

Professor Quincy Wright, of the University of Chicago, has been granted a traveling fellowship by the Guggenheim Foundation and will make a study of the mandate system in the Near East. Professor Wright will be in Europe from August until the end of the year. Dr. Leonard D. White has been advanced to the rank of professor. Dr. Harold F. Gosnell has been granted a leave of absence for a year, during which time he will study factors determining the extent of popular participation in elections in England, Belgium, and Germany.

Professor James M. Richardson, of Dartmouth College, was a member of the New Hampshire House of Representatives during the session of the past winter, serving as chairman of the committee on railroads, member of the judiciary committee, and member of a joint committee to investigate and report on the organization and management of the various state departments and institutions. Since the close of the session he has been appointed chairman of a commission of five to investigate the subject of bank taxation and report to the next legislature.

Professor Albert H. Washburn, of Dartmouth College is now on leave of absence serving as American minister to Austria. Mr. Washburn resigned this position in March, but at the request of the state department will continue at Vienna for another year.

Mr. Charles W. Mackenzie, of the political science department of Dartmouth, will spend the coming year in research work on a special fellowship granted him by the college.

Mr. M. L. Smith, a graduate of Pomona College and more recently of the Harvard Graduate School, has been appointed instructor in political science at Dartmouth.

Professor R. M. Story, Professor William Casey, and Dr. Waldo Schumacher have resigned their positions at Syracuse University. Professor Story has been appointed head of the department of political science at Pomona College, California.

Dr. Robert Mackay, of Princeton University, has been appointed assistant professor of government at Cornell University.

Dr. Alpheus T. Mason, formerly assistant professor of history and political science at Duke University, has accepted an assistant professorship of politics at Princeton University. Dr. Harold W. Dodds, editor of the *National Municipal Review*, will serve as lecturer in municipal government at Princeton University during the coming year.

Mr. W. Brooke Graves, formerly an instructor at the University of Pennsylvania, has been appointed professor of political science at Temple University, Philadelphia. Mr. Graves conducted courses in the summer session at Duke University, Durham, North Carolina.

Dr. Kirk H. Porter has been advanced to the rank of associate professor of political science at the State University of Iowa. Dr. George F. Robeson has been advanced to the rank of assistant professor at the same institution.

Dr. Carl H. Erbe, who received his doctor's degree at the State University of Iowa in June, has been appointed assistant professor of political science at Iowa State Teachers College. Mr. Jesse T. Carpenter, graduate assistant in political science at Iowa during the past year, becomes an instructor in political science at Duke University.

Mr. Warren H. Kelchner, an instructor in political science at the University of Pennsylvania during the past three years, and Mr. Charles Fairman, assistant and graduate student at Harvard University, have been appointed Penfield scholars in international law at the University of Pennsylvania. Both will spend the coming year in advanced study in Europe.

Mr. John G. Hervey, of the University of Oklahoma, has been appointed instructor in political science at the University of Pennsylvania.

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Dr. Harry A. Barth has been advanced to the rank of associate professor of government at the University of Oklahoma. Professor Barth is traveling in Europe during the summer.

Dr. Walter Thompson, formerly instructor in political science at the University of Wisconsin, has been appointed professor of government in the University of Oklahoma.

Professor Harold S. Bucklin, of Brown University is a member of the Rhode Island children's laws commission, created during the 1925 session of the legislature to report to the 1926 session recommendations for codification and changes in the laws relating to children.

Professor William B. Munro, of Harvard University, delivered a series of lectures in May at the University of California, Southern Branch, on the general subject of the invisible government of the United States. He has been appointed visiting professor of government at the Southern Branch for the second semester of the coming academic year.

Professor Charles G. Fennick, of Bryn Mawr College, and R. G. Gettell of the University of California, gave courses in the summer session of the University of California, Southern Branch. Professor Charles E. Martin, of the Southern Branch, goes to the University of Washington as chairman of the department of political science. He gave courses on American diplomacy and international government in the summer session of Harvard University.

Mr. John T. Salter, instructor in political science at the University of Pennsylvania, and Mr. John J. George, Jr., graduate student at the University of Wisconsin, gave courses during the summer session at the University of Oklahoma. Mr. George becomes assistant professor of history and political science at Washington and Lee University.

Dr. O. Douglas Weeks, formerly instructor in political science at the University of Texas, has been appointed assistant professor of political science at Western Reserve University. He will take over the work in municipal government formerly conducted by Professor C. C. Maxey.



Professor E. L. Shoup has been designated acting head of the department of political science at Western Reserve.

Dr. Clarence A. Berdahl, of the University of Illinois, is spending the summer in Europe.

Mr. V. Kenneth Johnston, graduate student at the University of Chicago, has been appointed instructor in history and political science at Beloit College.

Mr. Frank Paddock, who received his doctor's degree at Wisconsin in June, becomes an instructor in political science at Ohio State University.

Mr. A. V. Johnston, who has been teaching at the University of Minnesota during the past year, will serve as a supply at the University of Wisconsin during the coming year, in the absence of Dr. J. P. Harris.

Dr. J. K. Pollock, formerly instructor in political science at Ohio State University, has been appointed instructor at the University of Michigan.

Mr. Lewis E. Smith has been appointed professor of political science at Schuylkill College, Reading, Pennsylvania.

The committee on the Amherst Memorial Fellowships announces the following appointments: Mr. Horace B. Davis, instructor in economics at Columbia University, for one year; and Mr. Melvin M. Knight, assistant professor of economics at Barnard College, for two years. Mr. Davis will make a comparative study of wages and wage determinations in the iron and steel industries in the United States and Europe. Mr. Knight will go to Africa to study French colonial policies.

Professor John M. Gaus, of the University of Minnesota, will spend the summer and fall in a study of civic education in Great Britain. A similar study is being carried on in Germany by Mr. Harold D. Lasswell, of the University of Chicago. These investigations, and others to be undertaken in various countries, are financed by the Laura Spelman Rockefeller Memorial Foundation, and are under the general direction of Professor Charles E. Merriam.

As a part of the program of the Local Community Research Committee of the University of Chicago, Professor Leonard D. White has recently completed a study entitled "Employment Conditions in the Municipal Service of Chicago: A Study of Morale." Dr. Harold F. Gosnell has also completed a study on the stimulation of voting entitled "How to Get out the Vote." In coöperation with the Union League Club of Chicago, a census of civic agencies in Cook County is being undertaken by the same Committee; and in coöperation with the Commonwealth and the Regional Planning Association fundamental studies underlying regional planning have been instituted. Considerable progress has been made on a study of municipal reporting.

Mr. James A. Tobey, recently administrative secretary of the National Health Council, is now engaged, under the auspices of the Institute for Government Research of Washington, D. C., in making an intensive survey of the public health activities of the United States Government. Preliminary studies have shown that there are at least twenty-six bureaus or other branches of the government which are directly or indirectly interested in some phase of public health. Sanitarians have long recognized the desirability of an effective coördination of these scattered functions and have frequently recommended that it be brought about. An endeavor will be made, with the advice of the most distinguished health workers and specialists in political science of the country, to formulate a definite plan for correlation, providing for no new expansion, but simply a more effective and economical rearrangement of existing federal health activities. Students of government and of public health agree that the problem is a complex one, but it is hoped that a practical scheme may be ready for presentation to the Sixty-Ninth Congress when it meets next December.

The sixth annual meeting of the Southwestern Political and Social Science Association was held at Dallas, Texas, March 30 to April 1, 1925. The three days were devoted to meetings of sections on sociology, social psychology, economics, history, government, and international relations. Officers elected for the ensuing year are: president, W. B. Bizzell, president of Texas Agricultural and Mechanical College; vice-presidents reëlected, G. B. Dealey, Dallas, Texas, F. F. Blachly, University of Oklahoma, D. Y. Thomas, University of Arkansas; elected members of the executive committee, B. Youngblood, Texas Agricultural and Mechanical College, and W. F. Hauhart, Southern

Methodist University. Professor Herman G. James, of the University of Texas, was reelected editor of the Quarterly. Since the meeting, however, Dr. James has resigned from the University of Texas, and the executive committee has elected as editor Dr. C. P. Patterson, of the same institution. Mr. Charles A. Timm, of the University of Texas, was elected secretary-treasurer. Mr. E. T. Miller, of the University of Texas, became chairman of the program committee. Members of the advisory editorial board of the Quarterly were reelected as follows: Professors F. F. Blachly, University of Oklahoma; W. B. Bodenhafer, Washington University; H. B. Chubb, University of Kansas; C. F. Coan, University of New Mexico; M. S. Handman, University of Texas; D. Y. Thomas, University of Arkansas; and G. P. Wyckoff, Tulane University.

The Third Commonwealth Conference, held under the auspices of the State University of Iowa on June 29-30 and July 1, was devoted to the general subject of the costs of government. Round-table sessions were held on the expanding functions of government, the mounting costs of government, federal aid and states' rights, state universities and the state, and the costs of education. Public addresses were given by Senator Cummins and Dr. Glenn Frank, president-elect of the University of Wisconsin. Among political scientists outside of the state who, by invitation, took part in the Conference were: Professors John A. Fairlie, of the University of Illinois; Frank G. Bates, of Indiana University; Frances W. Coker, of Ohio State University; Frederic A. Ogg, of the University of Wisconsin; James S. Young, of the University of Minnesota; J. P. Senning, of the University of Nebraska; and F. H. Guild, of the University of Kansas.

At the annual meeting of the committee on the Harris Political Science Prize Essay contest, held in Chicago on May 16, prizes were awarded as follows: (1) First prize, \$150, to Miss Helen Werner, University of Illinois, for an essay entitled "The Constitutionality of Zoning Regulations;" (2) second prize, \$100, to Mr. No. Yong Park, Northwestern University, for an essay on "Japanese Exclusion;" and (3) honorable mention, to Mr. Max Swiren, of the University of Chicago, for an essay on "Our International Judiciary." This contest is open to undergraduates of the colleges and universities of Illinois, Wisconsin, Minnesota, Iowa, Indiana, and Michigan. The subjects from which contestants may choose in 1926 are as follows: (1) Relations

of the United States and Latin America, with reference (a) to a particular phase or (b) to a particular state or group of states, *e.g.*, the Tacna-Arica dispute; (2) Some phase of the relations of the United States with Japan or China; (3) The codification of international law; (4) Some phase of the activities of the League of Nations, *e.g.*, the opium conferences or the international labor office; (5) A study of elections in a particular country, or other area, since the World War; (6) The rules of the United States Senate; (7) Federal grants in aid, with reference to a particular subject or a particular state; (8) Interstate agreements; (9) State legislatures; the practical operation of (a) the bicameral system in a particular state, (b) procedure in a particular state, or (c) the extent of party-voting in a particular state; (10) Relations of state and local administration in a particular state with reference to a specific field of government, such as (a) public utilities, (b) finance, (c) health, (d) education, (e) police, or (f) highways; (11) Problems of public personnel administration (national, state, or local), such as (a) qualification, selection, and tenure of civil service commissions, (b) organizations of public employees, (c) methods of recruiting, promotion, discipline, and retirement; (12) Women in the public service: a survey of present conditions; (13) A critical study of the methods of selecting state and local judges; (14) A study of the practical workings of one of the following offices in a particular state or, preferably, in a particular county: (a) county board, (b) justice of the peace, (c) local prosecuting attorney, (d) sheriff, (e) coroner, (f) county clerk, (g) auditor; (15) The operation of the budget system in the United States, or in any particular state, county, or city; (16) Nominating systems in the United States; (a) direct primary (partisan or non-partisan), (b) convention system, or (c) petition; (17) Influence of voluntary organizations (other than political parties), or of a particular organization, in (a) elections or (b) legislation; (18) The problem of the metropolitan area; (19) A contemporary political leader in Europe.

At the second session of the Furman Institute of Politics, to be held at Greenville, S. C. in August, lectures will be given by a number of professors from other parts of the country, including: James Q. Dealey, of Brown University, on the foreign policy of the United States; A. N. Holcombe, of Harvard University; Edward S. Corwin, of Princeton University; and Harry T. Collings, of the University of Pennsylvania, on Latin-America.

**Political Science and Rural Government.** Political phenomena, which are the material of political thought, embrace all forms of human behavior with respect to that central and paramount organ of social control which is termed government. Governmental institutions arise when a given group of people habitually behave in a certain manner with reference to each of a number of problems connected with that organ of control. In the past, the students of politics have got little beyond the description of the formal or superficial aspects of political institutions and the *a priori* justification or condemnation of the principle of rulership. In recent years the feeling has spread that political science should be made a real science instead of a mere loosely-knit combination of civics, history and philosophy. Connected with this feeling is the more or less tacit assumption that, once the laws of political conduct are known, they can be applied to the working out of forms of government which will produce socially desirable results. But the wish is father to the thought; and the difficulties in the way have been greatly underestimated. There is altogether too optimistic a hope in some quarters that a science of politics can be evolved within a period of time that is short of geological. It is for the purpose of setting forth some of the handicaps, while at the same time suggesting lines of investigation that should be undertaken, that this paper has been written.

Bryce once declared that in so far as political science is a science, it is based upon psychology or the permanent elements in human nature. It is often said that psychology is the basic social science in the same way that chemistry and physics are the basic natural sciences. The several social sciences are applications to the various phases of human life of the fundamental principles of human conduct. As engineering mechanics is an application of physics, and plant physiology an application of chemistry, so the science of politics should be an application of psychology. Only psychology can explain the political motive, which is a complex of economic desires, personal ambitions, lust for power, impulses to public service, and other incentives, mixed in different proportions in different individuals. But as yet pure psychology, while it has made rapid strides in late years, is only in its infancy, while political psychology has barely had a beginning. Furthermore, human nature is so variable a factor that no law of political psychology would enable us to predict except with reference to large numbers of persons acting over long periods of time.

Now the economic motive, which is closely related to but not iden-

tical with the political motive, is coming to be recognized as a complex also; but the economists have been able to work out a tentative body of principles without the exhaustive analysis of this economic motive. This is because they have a quantitative standard of measurement in the money value which people place upon goods and services. Unless some such unit is found by students of government, the current attempt to collect political statistics will bear little fruit. Statistics on non-voting and the like which have no common denominator are as meaningless as the already available "facts" that lie in unrelated isolation on the dusty pages of the statute books and other public documents. All such information has value for an art but not for a science of politics. In politics there is no unit of value.

Another primary difficulty is that the political scientist cannot verify his deductions by the use of the controlled experiment. The natural scientist can by this method isolate the factors with which he desires to deal. *Ceteris paribus* is always his major premise, but he can translate that premise into approximate reality. The student of politics deals with phenomena which display a multiplicity of causes, a composition of forces, if we may borrow a term from the physicists. Because he cannot control the conditions of human life, he cannot separate the relevant from the irrelevant, and much less can he evaluate the relative importance of forces working in the same direction, or accurately discount the effect of less intensive forces working in the opposite direction.

Even after truly scientific theories of politics were worked out, there would be at least two obstacles to the use of those theories in a process of political invention. The mechanical inventor not only knows the applicable natural laws, but has a definite end in mind, and can arrange his material in space in such a manner as to cause the forces of nature to produce that definite end. To do this takes a man of skill and imagination as well as scientific training, but compared with the task of the political inventor the process is simple. If we follow out the analogy, the inventor in politics, knowing the way human nature acts under given conditions, would have to alter the conditions before he could get the results he desired. But it is obvious that the physical environment and the social organization of mankind cannot be changed at will. We cannot arbitrarily change these things, as the inventor of a new mechanical device can arrange the relative positions of pieces of steel and wood. The very political institutions which the political inventor would seek to change, in order to get a different human re-

action, are themselves habitual human reactions which are the inevitable product of social heritage and contemporary environment.

Even if this obstacle were overcome, another would remain. That is the difficulty of determining the desirable ends. What are the ultimate aims of political life? Who is to decide what they are? For such a decision there is necessary a grasp of the practical possibilities and an ethical evaluation of alternative results. Ethics cannot be eliminated from the situation, for if we knew exactly what would be the outcome of the adoption of one or the other of two laws, we should still have to decide which outcome was the more desirable. Nor is this as easy as at first blush it might seem. Some would prefer the elimination of the unfit, and the full development of the potentialities of the fittest; others would stand out for the tender care of the defectives and the delinquents. Some would look toward the development of an objective civilization even at the expense of sacrificing the many to an aristocracy; others would insist upon the greatest happiness of the greatest number, upon giving the good things of life to all, even if the quantity of good things were less than under the rule of the many by the few. The lip-service that many Americans give to democracy only hides these underlying differences of opinion.

Of course it must be added that a science of politics and a process of political invention could not be carried through without reference to a simultaneous advancement of the other social sciences, or most of them. The work in these several fields must be correlated. The problem is really one of social invention based upon social ethics and upon a general social science. In that science economics and sociology especially would be brought into their true relationship with political science. Thus, it is seen that the problem broadens out into something that staggers the imagination.

What, then, shall we do? There is only one answer. We are thrown back upon the historical and comparative methods, and such organized efforts at the study of human nature in politics as public appropriation or private beneficence may make possible. Now the scholar who undertakes to elicit principles from history is like a mariner without a compass; if he is a man of wide reading and insight, his conclusions will have some element of truth but never the validity of scientific laws. Likewise, modern political conditions are so very complex that even with elaborate coöperative effort and at enormous expense observers will have trouble in getting results of any value.

There is one field, however, where the beginning of organized surveys

might be made with helpful results. That is the rural areas. The relatively small size of these political subdivisions insures that the student will be less likely to be swamped with details, or be unable to view the field as a whole. As contrasted with other areas, the county, the township, the New England town and the village have simpler problems and a less complicated set of political forces. The growing number and complexity of governmental functions, which have come with the rise of industrialism, have indeed touched these units, but have touched them least of all. We are reminded of the analogous position of the Greeks in their little city states with reference to the issues of political philosophy.

"One virtue of the Greek thinkers lies in the fact that they were enabled to see the problem simply and to see it whole. Their city states were so small and their organization so simple that they could fall within the easy comprehension of every citizen. The simplicity of their institutions made it possible for Greek philosophers to attack fundamental problems confidently in a simple and direct manner; thus it was a comparatively common phenomenon in Greek political life for a reformer to bring forward, not some particular reform on a matter of detail, but a completely new constitution—that is to say, boldly to make a fresh attempt to solve the problem as a whole on quite new principles. This does not seem to have meant that the Greeks oversimplified the issues, but rather that their states were so small and their administrative method so direct, that there was little chance for the theorist to lose himself in irrelevant detail. So it was that in their different ways Plato and Aristotle were able to give a clearer and more complete account of the nature of civil society than any subsequent thinker has achieved."<sup>1</sup>

There is the difference, of course, that the county is but part of a larger whole, while the city of Athens was a state within itself. But, if anything, this would make the problem of the observer all the simpler.

The fact that the county is but a subdivision, which does not have control of the major questions of government, would also make it less dangerous to experiment within this area. Bryce has pointed out that in the federal form there is the opportunity for trying experiments upon a relatively small scale. There is a similar opportunity within a state where there is local autonomy and county home rule. Unfortunately, country people are in some ways so conservative and have been so little

<sup>1</sup> C. R. and Mary Morris, *A History of Political Ideas*, p. ix.



influenced by changing conditions that it may be difficult to persuade them to embark upon innovations. But this may not be impossible, and if it can be done, there will be a main argument against the present tendency toward centralization, toward state supervision and standardization. If carried to its logical extreme, this tendency will leave too little room for that healthy variety, and trial and error upon a small (and hence not dangerous) scale, which produce new ideas and new methods.

In this connection it is not without interest to mention that of late a few writers have begun seriously to discuss the defects of rural government, with its antiquated methods of doing business, its lack of centralization within itself, and its hopelessly inefficient duplication of functions. This is encouraging in view of the fact that until recently there was almost unquestioned acceptance of local institutions developed through the colonies from the mother country. The new movement seems likely to be a sort of repetition of the reform movement in municipal government in the first quarter of the century. The assumptions of that movement, which are being applied to rural government, were not verified hypotheses, but they were the sane guesses of students of the art of politics. Nevertheless, the fact remains that it is difficult to tell whether improvements in municipal government which have followed are due rather to increased popular interest and attention or to the specific changes in the machinery and in administrative methods. Perhaps they were due to both causes working together; and certainly it seems true that a very intelligent electorate could not squeeze the juice of good government out of the pulp of our rural administrative system. The difficulty is mentioned only as a warning against hasty conclusions drawn from experiments or from observation by the *post hoc ergo propter hoc* argument. The only method that it is practicable to consider is the one which is beginning to be employed in rural government. But it takes a Bryce to employ it wisely.

There remains the question how far the findings garnered from an intensive study of local government in action would have any validity for the city, the state, the nation, and the league of nations. In these fields the problems are so different that the same human nature may probably react differently to the different stimuli. And yet we have reason to believe that what we learn in rural units will, with due allowances, have helpful bearing upon the problems of national democracy and international organization. The broader issues of social justice, foreign policy, and the like, are more fundamental or more unpredictable

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than matters of school administration and tax assessment within the limits of state law. Yet here again we gain encouragement from the analogous position of the Greeks.

Bryce asks the question whether the operation of democracy in the city state of Athens has any lessons for modern democracy, with its association with nationalism. His answer is in part as follows: "Moderns have been apt to say: 'What light can these little city states give to us who frame our systems for vast countries? Athens and Syracuse in the height of their power had fewer citizens than a single English or French constituency counts today. The voters who at Rome chose a Fabius or a Julius to be Consul were sometimes fewer than those who fill the hall of a nominating Convention at Chicago.' But the difference in scale and in other things, too, are not so remarkable as the similarities. As the problems of good government were essentially the same, so were the motives and the temptations. The gifts by which power is won and the faults by which it is lost are as discernible in the careers of Greek and Roman statesmen as in those which engage our curiosity today. On the small stage of an ancient city republic both figures and tendencies stand out more boldly, the personalities are less conventional, the action moves faster, and it is often more dramatic."<sup>2</sup> And again: "After all the changes of seventy-five generations the tendencies of human nature remain substantially what they were. . . . Short indeed was the life of these republics, but it was intense, and it was wonderfully fruitful for all later generations. It has for us the unfading charm of showing human thought and passion in their primal simplicity."<sup>3</sup>

The analogy is not exact, but it suggests that if ancient democracy has lessons for modern democracy, the study of rural government in all its simplicity has lessons for the interpretation of national and international society.

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<sup>2</sup> *Modern Democracies*, vol. I, p. 166.

<sup>3</sup> *Ibid.*, p. 185.

## BOOK REVIEWS

A. C. HANFORD

*Harvard University*

*The Supreme Court and Sovereign States.* By CHARLES WARREN.  
(Princeton: Princeton University Press. 1924. Pp. 159.)

The four lectures making up the gist of this volume were delivered at Princeton University as the Stafford Little Lectures for 1924. They deal in general with the subject of interstate controversies and the means provided for their settlement, namely, interstate suits and interstate compacts. Neither of these questions has received any considerable attention heretofore from writers on American government, but Mr. Warren has now remedied that by a treatment which is at once thorough, scholarly, and interesting. There are also five useful appendices, and notes so numerous and exhaustive as to give the volume the appearance of a doctoral dissertation, but which add materially to its historical value.

Mr. Warren is a former assistant attorney general of the United States (1914-1918), and is better known as the author of the admirable volumes on *The Supreme Court in United States History* (and is not to be confused with Charles B. Warren, rejected by the Senate for the office of attorney general). This experience and training, together with an instinct for meticulous research, have given him the right to speak with some authority concerning the Supreme Court and its work. It is also to his advantage that in this book he is dealing with a phase of that court's jurisdiction which, although an "absolute novelty" when proposed, was adopted by the Convention of 1787 with "not a breath of opposition" (p. 33), and which appears to have received no serious criticism since. His treatment is, therefore, chiefly descriptive and analytical, and free from the acceptance of the court and all its ways that characterize some of his other writings and lectures.

The most notable features of this system for the settlement of interstate controversies, as described by Mr. Warren, may be summed up about as follows: In the first place, the scope of the Supreme Court's jurisdiction over such controversies has been enlarged through the

process of gradual growth and the assumption of power in doubtful cases, until now it extends to any kind of dispute, even including "political questions" and questions that in international affairs are known as "non-justiciable" (pp. 54-56). Secondly, there has been a notable increase in the number of such disputes submitted to the court, due to an increasing confidence in the wisdom, impartiality, and independence of the judges, and to a growing realization that there is a body of law applicable to disputes between "sovereign" states (pp. 64-65, 113-115). Thirdly, there has been an equally notable increase in the number of interstate compacts (pp. 69, 121-124), which Mr. Warren points out may result in a new class of controversies before the Supreme Court, namely, breaches of compact (p. 76), although apparently only one such case has yet occurred (p. 155, note 75). In the fourth place, the Supreme Court has realized the "emollient influence of the lapse of years" upon cases of so serious a nature, and hence delay unusual even for that court (from 5 to 19 years) has been the rule, with the result that cases begun with "great excitement" and "hard feelings" have ended with "placid and unvexed acceptance of the decision" (pp. 86-87). Finally, the system has been so completely accepted that the states have without exception obeyed the court's decisions in these cases, even though unpleasant and in spite of the bogey of state sovereignty and the difficulty in the enforcement of decrees (pp. 70, 76-80, 87-88).

Most historians and political scientists will presumably differ with the author's view, implied in the title of the book and expressed throughout (e.g., pp. 2, 34), that the states are sovereign. Senator Borah and others of his ilk will be extremely critical of the frequent suggestions that lessons of an international significance are to be drawn from the experience of the states (e.g., pp. 9-10, 88-97). Some constitutional lawyers may question certain of the author's assumptions, such as that a state may actually be coerced into accepting judgment, or that mandamus may issue against a governor (pp. 79-80). In spite of these objections, however, this is an excellent and useful book.

CLARENCE A. BERDAHL.

*University of Illinois.*

*The Permanent Court of International Justice and the Question of American Participation, with a Collection of Documents.* By MANLEY O. HUDSON. (Cambridge: Harvard University Press. 1925. Pp. ix, 388.) This is an exceedingly useful and timely book. Professor Hudson

has brought together fourteen articles published in American journals during the past three years. Although there is some repetition, the articles in the main supplement each other and in the present well-arranged and well-indexed form, give a complete account of the Permanent Court of International Justice, its work, and the controversies about it.

The work is in three main divisions. The first is historical and descriptive. It deals with the origin of the court and the cases decided by it in its first three years, ending with an important discussion of advisory opinions in national and international courts. The second division is argumentative and philosophic. The value of the court as a medium for peacefully settling international disputes, developing international law and influencing diplomatic settlements by its presence is discussed (p. 281). The arguments against the court and proposals made in America for modification of its statute are considered at length in chapter eleven. The final division is documentary. Texts of the Hague convention for Pacific settlement of international disputes, the draft convention for a court of arbitral justice, the League covenant, the statute of the permanent court and other documents are included.

The book is a thoroughly scholarly production with ample annotations and a bibliography. Its scholarly character, however, does not conceal the author's interest in the practical problem of American participation. "Progress," he thinks, is only wrought slowly by "pretty determined effort," generally consciously directed and its method is usually the creation of institutions which future generations may use. The court is presented not as an absolute guaranty of peace but as such an institution, capable of increasing service as the years go by (p. 258). Elsewhere the importance of the court as an aid to the outlawry of war is emphasized (p. 225).

Professor Hudson, like Dean Pound, considers the administration of law as a process of "balancing competing interest;" consequently to him arbitration and judicial settlement are not very far apart (p. 13). The reviewer feels that at this point he neglects the great difference in mental attitude between arbitrators selected by the parties *ad hoc*, in large measure because of their known views and sympathies on the question at issue, and judges selected before the controversy arose because of their knowledge of law. Conflicting interests play a part, doubtless, in making and modifying law, whether diplomats, legislators or judges are the agents. But with recognized sources and a technique of reason-

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ing, judges, searching for and applying law, may get quite different results from arbitrators settling the dispute with a maximum of satisfaction to the parties. Diplomatic settlements, as Professor Hudson observes, are likely to embody less law than arbitrations, but arbitrations inevitably sacrifice the law to the interests of the parties more than judicial settlements, as in fact Professor Hudson later admits in recognizing the superiority of the court as an instrument for developing law (pp. 16-17, 283). It may be noticed that the phrase "on a basis of respect for law" used in the Hague convention to describe the nature of arbitration was intended to leave greater freedom to arbitrators than would the phrase "on the basis of law."

The reviewer has found the book a stimulus to thought and believes it will encourage reflective students of law and of international relations to consider the possibilities of a more effective liaison between these fields of activity than has heretofore existed.

QUINCY WRIGHT.

*University of Chicago.*

*Recent Developments in International Law.* By JAMES WILFORD GARNER, Ph.D., LL.D., Tagore Law Lectures, 1922. Published by the University of Calcutta, 1925.

For the layman it is perhaps more important to know what international law is good for than to know what it is. Detailed knowledge of its sources and doctrine he can leave to the jurist and diplomat, though it is doubtless desirable that he should have an idea of its basic principles. But unless the mass of effective citizens all over the world are convinced that international law is a valuable asset of civilization, that law, however theoretically excellent, will cease to influence affairs.

In these lectures delivered at the University of Calcutta in 1922, Professor Garner attempts to estimate the achievements of international law and organization in recent years. Though he centers attention on the twentieth century he traces the history of tendencies much farther back. There has been too little of this kind of writing. Wheaton's and Walker's histories stand almost alone in English and neither of them comes much nearer than a century to the present time. There have been historical accounts of the application of international law in particular wars, of the achievements of particular conferences, and of the development of particular doctrines and institutions, but no efforts to appraise the tendencies, achievements and failures of the system as a whole. For this task, Professor Garner grounded in history and

political philosophy, before entering the field of international law, and experienced by the preparation of his well known *International Law and the World War*, is well fitted. His work is marked by accuracy of historical statement, wealth of citation and sanity of judgment.

After surveying the efforts to develop international law by convention at the Hague and other conferences, the author considers the wars of the twentieth century with a view to ascertaining the value of existing means of pacific settlement in postponing or shortening them, and of existing international law in reducing their destructiveness. It must be confessed that the results are not reassuring. But though arbitration, inquiry and mediation, as provided in the Hague conventions, were unable to prevent the wars which actually took place, the author does not consider these institutions worthless. They were often used, sometimes in cases which might otherwise have resulted in war. Furthermore they contributed toward building up habits of pacific settlement and to the creation of the League of Nations and the Permanent Court of International Justice. Though the author regrets the absence of compulsory arbitration (p. 635) and more effective sanctions (pp. 636, 705, 810) he considers these institutions "a distinct advance upon all former attempts at international coöperation and organization." (pp. 642, 707.)

As to the laws of war and neutrality he finds that they have been something of a restraint upon belligerent action, but in the Balkan and World wars they were frequently violated, and in the future they cannot be expected greatly to restrain the rigors of war. On the contrary noncombatants and conditional contraband will be less protected (pp. 780, 782), belligerents will be entitled to take neutral vessels into port for search (p. 788), to sequester prizes in neutral ports (p. 791), to arm merchantmen in defence against submarines (p. 795) and to enforce starvation blockades (p. 797). There is little probability of more immunity for property at sea (p. 800), though the doctrines of military necessity and retaliation should be less extensive (p. 802). However, efforts to regulate war should not be abandoned (p. 807), though it is much more important to prevent war. This requires further organization to develop, apply and enforce the law, which implies a willingness on the part of nations to assume more responsibility for the suppression of law-breaking and to be less insistent upon complete independence of action and equality in political weight (p. 643).

A few errors have crept in, doubtless due to the inability of the author to read the proofs. Portugal and Great Britain both ratified the

Hague convention on asphyxiating gases (p. 55). The United States appointed three members of the Alaskan boundary commission (p. 503). In addition to the United States, Ecuador and Hedjaz have failed to become original members of the League, as contemplated in the Covenant (p. 623). The reviewer believes more might be said with regard to the effect of new inventions on the law of war (p. 780) and the difficulties and dangers of codification (p. 762).

The book should be studied by all persons interested in world affairs as well as by professional students of international law. It is a mine of information, a model of restrained judgment, and a challenge to further effort by jurists and statemen.

QUINCY WRIGHT.

*University of Chicago.*

*The Geneva Protocol.* By DAVID HUNTER MILLER. (New York: Macmillan Company. 1925. Pp. viii, 279.)

*The Geneva Protocol.* By P. J. NOEL BAKER. (London: P. S. King and Son. 1925. Pp. x, 228.)

The Paris Peace Conference resolved to disarm Germany and her allies in order to render possible a general limitation of armaments. Since 1918 much has been written on disarmament and numerous plans have been made. The latest and best-matured plan is the Geneva Protocol. It proposes to outlaw aggressive war, the oldest and strongest human institution, by the formation of a world-wide defensive alliance. All international disputes are to be settled by peaceful means, the justiciable ones by courts and the political ones by mediation supplemented by compulsory arbitration. The Fifth Assembly recommended unanimously, October 2, 1924, the Protocol to the states in the society of nations for acceptance. Seventeen states have signed it and one, Czecho-Slovakia, has ratified it.

Mr. Miller presents a legal interpretation of the document. Interesting discussions appear particularly on the method of coming into force of the Protocol, the projected disarmament conference, the *status quo*, domestic questions, the Japanese amendment, sanctions and demilitarized zones. He redrafts the Covenant as it would read if the amendments contemplated by the Protocol were made. He indicates the changes that would come in the jurisdiction of the Permanent Court of International Justice. He concludes that such a complete change as the Protocol sets up will require a century of education, preparation and growth.



Professor Noel Baker describes the genesis of the Protocol. He is of the opinion that it was intended to be a supplement to the Covenant rather than an independent treaty, as Mr. Miller thinks it is. The Protocol in the Fifth Assembly came from the hands of responsible ministers acting as representatives of their home countries. The league is a creature of the governments of which it is composed. And he points out that the league is not and would not with the Protocol added be a supranational entity.

Professor Baker's purpose is not to defend the terms of the Protocol but to present the reasons for the insertion of the various provisions. Whenever he departs from the task of exposition a frankly British viewpoint is assumed. He does so in discussing the implications of the Protocol for the British navy, the base at Singapore and the vast but scattered empire.

Throughout the book four underlying assumptions have been made. The first is that the British government has been right in basing its foreign policy on the League of Nations and that the principles of the Covenant promote the true interests of the Empire. The second is that the prevention of all international war is the chief of British interests. He remembers how nearly Britain was brought to her knees in the last war and how in the long run all war is detrimental to international commerce and finance. Moreover, many of Great Britain's present problems grew out of the Great War, such as those in Ireland, Egypt, India, Burma and a possible dissolution of the Empire itself. The third assumption is that the British people have a vital interest in the limitation of national armaments of every kind. Such limitation would mean reduction in taxes and rapid progress in social reforms. And the fourth assumption is that the British citizen is willing, if shown the way, to apply in international affairs the same rules of action that apply in national affairs: "since his whole social life within the state rests on the collective use of force, in the persons of the police, against the criminal who disturbs the public peace or violates the rights or safety of his neighbours, so, in principle, the average citizen has no objection to the collective use of force by the community of states against the international criminal who violates the peace of nations or attacks the rights or territories of his neighbour states." Surely, these are fundamental assumptions for the people in every state in considering a plan to promote world peace.

Students of political science will find these books useful for the historical material and the expositions they contain and for rendering easily

accessible in their appendices the text of the Protocol and of other pertinent documents.

CHARLES E. HILL.

*George Washington University.*

*The Conduct of Foreign Relations Under Modern Democratic Conditions.*

By DEWITT C. POOLE. (New Haven: Yale University Press. 1924. Pp. vi, 208.)

This reviewer finds it difficult to remain moderate in his commendation of Mr. Poole's little book. The manner of approach, the method of treatment, and the conclusions reached on the subject dealt with seem so right and true as to leave us only to hope that as many lay citizens and professional students of international organization may have the opportunity of studying the book as it deserves.

After a rather general survey of the organizations and methods employed in the various more important states of the world for the official conduct of foreign relations the author proceeds to the problem of popular control of official action. Principal emphasis is placed on the questions of value involved but some attention is also given to the methods available for use by the public in exercising control and also for use by the public officials in guiding the public in this activity. At times the latter point of view seems to dominate over the former.

That the book is not a heavily documented reference work is not entirely a defect. That some of the references appear naïve or sophomoric means merely that the author would have been well advised not to bow even as infrequently as he has to the mania for annotations. Most of the citations evince that precise selective quality which indicates that they were not made up for appearance but date from some experience of real discovery on the part of the author.

The two maps which are inserted inside the front and back covers of the volume are gems in the art of graphic representation. The excellence of their mechanical execution contributes much to their value. The reviewer would have preferred cables and steamship lines on the same map, and consular establishments of all countries added on the first map—difficult as that would be.

The chapter on "International Organization" seems to be unnecessarily sketchy in form and casual in tone. Even in seven pages a more comprehensive and systematic view of that subject should have been possible, if it had made possible fewer references to certain distinguished Americans.

Finally, the conclusions reached on the true values in secret and open diplomacy, respectively, seem altogether admirable. Means do exist whereby public opinion may control public policy in international relations. The problem is the use of these means, their effective use, but also—which is in the last analysis the same thing—their wise use. Much attention is paid to the means of leading the people to a wise use of their power of control. Not so much is said regarding the means which might be utilized by public officials to ascertain public sentiment in the country; too much of the burden of action is thrown on the public. It might be argued that they have a right not merely to exert control if they choose but a right to be consulted at all times.

PITMAN B. POTTER.

*University of Wisconsin.*

*The Foreign Service of the United States.* By TRACY HOLLINGSWORTH LAY. (New York: Prentice-Hall. 1925. Pp. xvi, 438.)

In his admirable foreword to this volume ex-Secretary of State Hughes observes that: "The Foreign Service of the United States has entered upon a new phase. At last, a competent organization has been achieved on a merit basis, with appropriate promise of career. To hold this service in just esteem, to safeguard the gains which have been won so slowly, to perfect the organization, it must be understood by the American people. This book is adapted to the need. Democracy with its new diplomacy should be served expertly and the faithful foreign service officer at his post abroad should have the inspiration and the satisfaction of the assurance that the nature and importance of his service are appreciated at home."

It is true that this book contains all the essential data to enable one to understand clearly the organization and functioning of the new foreign service. No one could be better fitted to perform this task than Consul General Lay. There is a difficulty, however, with this volume, which should be frankly recognized: it is rather of the nature of a thorough technical report by an expert for the information of fellow officials and other government officials in and out of Congress than a popular book for the general reader. This report resembles closely other reports prepared by request for the information of superior officials or for committees of the Senate and of the House of Representatives.

The student of politics and those especially interested in all that relates to the efficient administration of foreign affairs will find very valuable information in Mr. Lay's book. Provided with an excellent

index it may serve as a useful book of reference. Business men interested in the extension of foreign commerce will find most serviceable information. For purposes of general utility and education it is a pity that this material could not have been worked over by somebody understanding the psychology and the needs of the general reading public.

PHILIP MARSHALL BROWN.

*Princeton University.*

*The Messages and Papers of Woodrow Wilson.* With editorial notes, and an Introduction by ALBERT SHAW, and an analytical index. (New York: George H. Doran Company. 1924. Two volumes. Pp. xxxi, 1-613; ix, 614-1251.)

This edition of Woodrow Wilson's speeches and messages does not profess to contain everything he ever said and wrote. It is a popular edition, in two moderate-sized volumes, of practically all his public utterances both oral and written, from his first inauguration until his death. It is edited, and very well edited, by Dr. Albert Shaw, with brief but sufficient prefatory notes which explain the circumstances of the various papers included. In certain cases where several speeches were made in similar words on the same subject, as on the preparedness tour in 1916 or the treaty tour of 1919, there are large excisions. In some of the other less formal speeches there are brief omissions.

A certain disproportion necessarily results from the inclusive nature of the collection. Almost half the space is taken up with international relations, and one-half of this is speeches made on the western tour in support of the treaty of peace and League of Nations. Another space-filling element is the many patriotic and occasional speeches, made both in this country and in Europe, which were undoubtedly more effective when delivered because they were not packed with ideas, but which lose, when read, for this reason. Though there can be little difference of opinion that the contents of these volumes were almost universally effective for the various purposes that called them into existence, the reader cannot but be impressed both with the vagueness, diffuseness, and temporary nature of most of the pieces in the collection, and with the compactness of the minority. Such documents as the Sussex note, such speeches as that of April 2, 1917 have an energy of expression and a fullness of content which make them not only still readable but still stirring.

With its careful editing and its untterrifying format, this collection should satisfy any popular demand to know what Wilson said and wrote

while he was president and after his retirement from office. Read in connection with the *New Freedom* it probably gives us adequate evidence of what were President Wilson's public ideas on politics and government.

Above all things the collection exhibits a leader with a few, simple ideals which he believes to express the people he leads. "Liberty," "common counsel," "self-determination of free nations," are not only terms but ideas which pervade all that President Wilson said. He believed in free initiative of individuals within an ordered society, and free initiative of states within an ordered world. He believed that an informed people, under an elected leader, can, if they trust the leader and engage in "common counsel" with him, secure themselves the best and the most effective government. In his speeches to Congress he stressed the idea that they and he should plan and act in concert. Likewise, he believed in a concert of free nations to manage the affairs of the world.

Almost as plainly this collection exhibits a Wilson who was a great political realist. It is significant that the very third item in the collection is a statement which attacked (and defeated) the tariff lobby, and that one of the latest items is the equally effective intervention in the soft coal strike in 1919. The collection shows a speaker keenly alive to the nature of his audiences only more clearly than a political leader playing effective politics.

In some ways it is painful to read such a collection as this. Much of it is dead; it was never intended to live outside the halls in which it was spoken. But some words, phrases, ideas,—sometimes whole speeches—tug at the heartstrings because they express and recall the old acute feelings of a time of real crisis, and emotions which died, perhaps, with the death of the man who called them into being.

E. P. CHASE.

*Wesleyan University.*

*Roosevelt and the Russo-Japanese War.* By TYLER DENNETT. (Garden City: Doubleday, Page and Company. 1925. Pp. vii, 357.)

In this work Mr. Dennett carries forward, over a limited field, his valuable contributions of an earlier volume: *Americans in Eastern Asia*. He has added material that has been unused hitherto, from the private papers of Mr. Roosevelt in the Library of Congress, and has so woven this fresh and lively correspondence into the narrative to be derived from diplomatic despatches, biographies, special articles and general works as to present a well-rounded account of the essential part played

by President Roosevelt in the affairs of the Far East. The study is a detailed one, yet the movement never lags. The book is one for the general reader as well as for the scholar.

Perhaps the most valuable accomplishment of the work is its presentation of the close connection that existed between the international politics of Europe and developments in the Far East. Another aspect of interest is the description of Roosevelt's unconventional methods of getting information. It is a striking fact that Mr. Dennett finds it unnecessary to give more than casual notice to the work of the former President's eminent secretaries of state, Mr. Hay and Mr. Root. Dual diplomacy in President Roosevelt's administration showed elements not unlike those for which the Japanese government has been criticized. In the author's view this assertion of the presidential prerogative was wholesome and advantageous. There is a marked tendency throughout the book to follow the President, even to the sharing of his prejudices, to be an apologist rather than an adverse critic. One of the most informing chapters is that dealing with Russian policy and activities in Manchuria.

One wonders whether the effect of so dramatic a situation as Mr. Roosevelt created in first warning France and Germany, "in the most polite and discreet fashion," against a second attempt to deprive Japan of war loot in Manchuria, and later endorsing the agreement between Katsura and a "personal representative . . . not a member of the State Department" would not have been improved by deferring the incorporation of the relevant material until the narrative had reached the dates of these incidents. It may be felt that by failing to draw the latter of the two into the presentation of Roosevelt's mediation between Russia and Japan the author runs the risk of leading his readers to underestimate the weight that Roosevelt threw into the Japanese scalepan. Possibly Roosevelt was bluffing when he allowed himself to be represented as believing that "the people of the United States was so fully in accord with the people of Japan and Great Britain in the maintenance of peace in the Far East that whatever occasion arose appropriate action of the United States, in conjunction with Japan and Great Britain, for such a purpose could be counted on by them quite as confidently as if the United States were under treaty obligations to take [it]." But Mr. Dennett does not appear to think that Roosevelt was inclined to bluff. He does not refer to Baron Kaneko's published statement that Roosevelt suggested to him a Japanese Monroe Doctrine for Asia.

In judging the results of American diplomacy during the period the author comes to the conclusion that Roosevelt's policies were sound, in that he helped to create a new balance of power in the Far East. He places the responsibility for the present practically monopolistic position of Japan in south Manchuria upon American governments subsequent to that of Roosevelt, which have failed to insist that Japan stand faithful to her Open Door pledges. But the camel got his head under the tent with the assistance of Roosevelt. And what of China? Was it a creditable thing to assist any country in a program of forcible acquisition at her expense? And what of Korea? Not only did President Roosevelt fail to offer his good offices in her behalf in 1905, as he was under treaty obligations to do, but he signed a statement of policy in which was exchanged American executive acquiescence in the transfer of control over Korea to Japan for Japan's promise to leave the Philippines alone. Mr. Dennett is a strong supporter of American coöperation with the other powers in the Far East. The defect in that policy is that so often it has involved our acceptance of an imperialist rather than internationalist basis for coöperation. Had Roosevelt instead of, in effect, joining the scramble for concessions on behalf of Japan, bent his efforts toward a definitive interpretation and an international acceptance of the Open Door policy, it seems reasonable to believe that the Far Eastern milieu would be less complicated than it is today.

HAROLD S. QUIGLEY.

*University of Minnesota.*

*The Political Awakening of the East. Studies of Political Progress in Egypt, India, China, Japan and the Philippines.* By GEORGE MATTHEW DUTCHER. (New York: The Abingdon Press. 1925. Pp. 372.)

As the publisher observes, the various nations covered by this book—Egypt, India, China, Japan, and the Philippines—"represent many different types of conditions and problems and exemplify practically every important issue involved in the East." Besides the brief Introduction and Preface, there are six chapters, each one, except the last, describing the development and present conditions of one country. Of these, the first contains about forty pages; the other four vary from sixty to sixty-four, a remarkable evenness of treatment. Chapter VI (Problems of Progress in the Far East), of about forty pages, is particularly felicitous in concept as well as in style. Whether he speaks

of missionaries or traders, eastern students or western travellers abroad, of international or national issues, or of World War influences, the author manifests shrewd comprehension and a decided grasp. The discussion of the influences exerted by "the Christian ethic" is most illuminating. One may be quite at liberty to qualify or except from the deductions drawn without being lacking in appreciation for their admirable, logical, and convincing character.

Professor Dutcher's historical passages, found at the beginning of his various chapters are well done; the views are moderately expressed, and the information is so clearly based on careful selection as to inspire confidence and respect.

Though the book carries the word "political" in its title, Professor Dutcher has wisely inserted much about the economic, commercial, and financial development inseparably connected with the political, and has, therefore, made his subject much more understandable. So too, in his discussions of the social, religious and ethical forces in the Far East, he is assuredly aiding in bringing about "a more enlightened sympathy with the peoples of the eastern continent."

In some places there are repetitions; in others, breaks in the narrative explained by footnotes. Occasionally the style is less smooth than ordinarily. These faults are probably due to the circumstances under which the subject-matter was first presented. There are a few minor inaccuracies. Despite them, the book is eminently usable, and authoritative.

Moderation and common sense, fairness and impartiality are among the qualities radiated from its pages. The originality of thought and treatment, shown time and time again, lighten the pages and add to the enlightenment of the reader. One is impressed also by the amount of valuable and needed material that the author has been able to bring together.

ARTHUR I. ANDREWS.

*Tufts College.*

*Lord Minto: A Memoir.* By JOHN BUCHAN. (Boston: Houghton Mifflin Company. 1924. Pp. ix, 352.)

The history of the British Empire, it has been said, can best be read in the lives of the pro-consuls. The administration of the late Lord Minto in India lends some support to this sweeping generalization. The subject of this study belongs essentially to the category of men of action rather than of thought. He was in turn a sportsman, news-



paper correspondent and soldier; and he carried the same vigorous qualities over into his subsequent political career. His tact, sympathy and honest integrity of purpose won for him a host of friends. But he was far more than a popular representative of the Crown; he was a shrewd politician as well, with a keen understanding of the foibles of his fellow-men and of the practical possibilities and limitations of public policy.

As governor-general of Canada he was called upon to direct the rising national spirit of the Dominion into a safe imperial channel. Although he commenced his colonial career as a staunch supporter of Joseph Chamberlain it did not take him long to realize that the national views of Sir Wilfred Laurier on imperial policy were far sounder than the imperial tenets of the able colonial secretary. His administration in India was even more noteworthy. Lord Curzon turned over to him a country seething with political unrest and open sedition. A more liberal policy was urgently demanded, but it required no small amount of faith and courage for the new viceroy to put through his reform program in the face of the bitterest criticism in India and England alike. The policy adopted was an interesting combination of conciliation and force. He endeavored to meet the legitimate aspiration of the Indian intelligentsia by means of the extension of the right of self-government. At the same time he did not hesitate to take vigorous measures against the revolutionary activities of the extremists.

The author of this volume had already established his reputation as a novelist and historian. He has now proved himself equally adept in the field of biography. The varied career of Lord Minto naturally lent itself to colorful treatment, to which Mr. Buchan's facile and vivid narrative has added a distinctive charm of its own. The author has perhaps been prone to portray his hero in too favorable a light though he has manifestly attempted to be objective both in his statement of facts and in his judgment of men and events. A few palpable errors have found their way into the book, but these are trivial for the most part. For example, the despatch of the Canadian Voyageurs to the Sudan cannot properly be described as a case of colonial participation in imperial wars. It is safe to assert, moreover, that the majority of Canadian Liberals will not readily accept his interpretation of Sir Wilfred Laurier's domestic policies and imperial principles; and it is even more certain that Lord Morley's friends will not rest content with his estimate of the relative contributions of the Viceroy and Secretary of India to the development of Indian autonomy.

Not the least valuable feature of the work is the new light it throws upon the relations of Sir Wilfred Laurier to Mr. Chamberlain. Even more significant are the many excerpts from the Minto-Morley correspondence. Throughout these letters there runs a happy blending of political philosophy and practical statesmanship which can scarcely be equalled in the whole course of English colonial history. This correspondence might well serve as a manual for all imperial officials.

The life of Lord Minto well reflects the changing character of British imperialism from the old theory of imperial supremacy to the modern concept of national equality and coöperation. Probably no better expression of this new philosophy can be found than Lord Minto's splendid declaration on leaving India: "Gentlemen, I have heard a good deal of strong men in my time and I can only say that my experience in all our anxious days in India has taught me that the strongest man is he who is not afraid of being called weak."

Mr. Buchan's study, we may then conclude, is a worthy tribute to one of the finest types of the modern Conservative imperialist.

C. D. ALLIN.

*University of Minnesota.*

*The New Barbarians.* By WILBUR C. ABBOTT. (Boston: Little Brown, and Company. 1925. Pp. ix, 251.)

After a long and scholarly career devoted to a historical study of the phenomena of revolution, Professor Abbott analyzes the society of these times to warn his contemporaries that the days in which kingdoms rise and fall are not at an end; the civilization of today of which we are so proud and which many of us enjoy rests upon no assured foundation; America is no more eternal than Rome. And though it would be absurd to suggest that catastrophic change will wipe away all society in one moment "there is one thing which is not ridiculous. It is the subversion of the government in accordance with ideals wholly antagonistic to the principles on which it was founded."

What Mr. Abbott thinks these principles were is admirably summarized in the first chapter, "What is the United States?" Politically they are popular government and equality of opportunity resulting in "coöperative individualism and responsible freedom" and socially certain characteristics such as cleanliness, respect to women, toleration and independence. Anglo-Saxon in its origin, this civilization has been tempered by the pioneer spirit of new communities; and the alien reinforcements of Irish, Dutch, French and German have accepted the

standards of life and conduct and the system of laws and government of the first inhabitants.

The permanence of this system and life is now threatened by the menace of the "new barbarians." Though they are as numerous as the varieties of Goths, whether they be called Bolsheviks, Communist-Internationalists, Syndicalists, Guild-Socialists, Nationalisationists, Humanitarians or Progressives, their fundamental doctrine is the same: the establishment of the "economic state" in which man is reduced to an economic unit and his life to a mechanism and the chief duty of society is "to provide for its weakest members." Many of these new barbarians are to be found among the immigrants from Southern and Eastern Europe; but like the ancient invaders they find allies within our ranks: the young intellectuals who cannot trace the origin of wisdom back to a date more remote than thirty years ago.

This volume is clearly not a thorough and scientific analysis of the problem. Many of its premises are hypothetical, such as the fundamental one that the civilization of the United States is Anglo-Saxon in its origin. Most of the problems that engage the attention of historians and economists and political theorists would be reopened by a criticism of the doctrines here propounded. But it is well to know the musings of one who is interested in all such problems; and it is refreshing in an age of superficial pessimism to read a discussion of American civilization which begins and ends with chapters of optimism.

MARCUS L. HANSEN.

*Smith College.*

*Politics: The Citizen's Business.* By WILLIAM ALLEN WHITE. (New York: The Macmillan Company. 1924. Pp. viii, 330.)

The title of this book is somewhat misleading. It might better be called "William Allen White's Impressions of the Republican and Democratic Nominating Conventions of 1924." And even this title would not be strictly correct, for only a third of the book is devoted to the Kansas editor's impressions, the other two-thirds is devoted to reprints of the platforms of the three leading parties, the "key-note speeches," and certain speeches in the Democratic Convention on the League of Nations and the absorbing subject of the Ku Klux Klan.

It should be remembered that Mr. White ran for the office of Governor of Kansas on the issue of the Ku Klux Klan in the autumn election of 1924. So he was not an altogether unprejudiced observer and recorder of political events in this presidential year. Nevertheless, his

impressions are tolerably correct—correct because impressionistic. No one knowing Mr. White would expect anything else than impressions. And, we take it, he gives a correct statement of his own impressions. He paints his pictures of political scenes with large flowing strokes; and, although lacking form and proportion, he reflects an average American viewpoint.

Some nonacademic readers of Mr. White may think he writes genuine history. But the student is not deceived. The book in question is only a newspaperman's story, and a rather superficial story. Most of the chapters originally appeared in *Collier's Weekly* and a newspaper syndicate. At the same time, other good stories of the conventions were carried in the *New York Times*, the *Chicago Tribune* and similar newspapers of the country. And some of these dispatches were, perhaps, worthy of preservation in book form for the use of the future historian who might desire glimpses of the human side of the nominating conventions. It is only the human quality of the conventions that Mr. White conveys. Apparently he neglected the deeper significance of the struggle within the Democratic Party between McAdoo and Smith and Klan and anti-Klan. But this is a characteristic that deserves neither blame nor praise.

KENNETH COLEGROVE.

*Northwestern University.*

*Public Ownership.* By CARL D. THOMPSON. (New York: Thomas Y. Crowell Company. 1925. Pp. xviii, 445.)

This book, another addition to the literature of public ownership, is from the pen of the secretary of the Public Ownership League. Mr. Thompson in his introduction leads us to expect much of the book. He states that it is not his purpose "to propound or to defend any theory with reference to public ownership. The purpose is rather, to present the facts with regard to the various phases of public ownership and enterprise." This is a commendable point of view from which to study the question, and such a method is undoubtedly the one which gives most promise of results in the controversy over public ownership. The arguments for and against the movement are well known, in fact have become conventional with certain types of mind. What we need now is a knowledge of the experience with public enterprise. Only by the facts of such experience can arguments and theory be refuted or proven. To study the experience is the proper method of attacking the subject. Any book which attempts this task is welcome.

But the author has made the mistake of attempting too much. To write a worthwhile book on the entire field of public ownership is an over-ambitious attempt. It is manifest that a writer can not treat adequately the various aspects of all public enterprises within the scope of a single book. In the opinion of the reviewer, the author has assigned himself too large a task. What is needed in the study of public ownership is much painstaking digging for, and presentation of all the facts in each public industry. The investigations should be made on the ground with the aid of experts, accountants, and engineers. For public ownership involves accounting and engineering. Public opinion is not ready, as some advocate, to ignore public balance sheets. The financial facts are insisted on. For this reason the financial experience should be shown even in those industries which the public is willing to see run at a loss. Nor can real progress in the debate on this question be made by merely stating the facts, if they are stated too briefly. We need more studies in public ownership like E. E. Lincoln's *Results of Municipal Electric Lighting in Massachusetts*, and A. N. Holcombe's *Public Ownership of Telephones on the Continent of Europe*—studies of limited scope, in which every aspect of the case under study may be explored. It is interesting to note, by the way, that Mr. Thompson does not cite either of these studies or include them in his bibliography of ten pages. The Public Ownership League could do a greater service by promoting such intensive studies than by issuing general treatises and pamphlets on the subject.

Instances of lack of definitiveness in Mr. Thompson's study may be cited. He does in many instances establish the fact that the service of public enterprise is given at lower rates than that by private enterprise. But the financial results of the cheap service policy are not stated with sufficient completeness. The author disposes of the financial results of public telephones and telegraphs in one short paragraph (p. 148). The treatment of public elevators and mills is very brief (p. 191). He considers the Milwaukee and Omaha water plants great financial successes, but more data are needed if the reader is not to accept these statements merely on faith (pp. 212 and 216). The author claims for the Detroit Street Railway a net income of almost \$1,000,000 above operating costs, maintenance charges (except depreciation), taxes, interest, and sinking fund provision (p. 230). This may be true, but the reader does not have enough data to reach his own conclusion. In the case of the Duluth Municipal Gas Plant (p. 255), he alleges that a depre-

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ciation reserve exists and states the figure but there is no way to tell whether it is adequate.

In his treatment of electric light and power plants, he is at great pains to show that the rates are higher for private than for public plants, but he gives no data to indicate whether or not losses were involved in some of these rates (pp. 280-286). In the case of one plant he does assert that an audit by a creditable firm showed a net income when the results were measured by accounting standards. The reviewer does not wish to infer that any facts are suppressed, or that the facts, if given, would not support the writer's statement that public enterprises are paying for themselves. The reviewer only states that the book would carry more weight if more data were given. This then is the chief weakness of the book—its lack of adequate analysis and presentation of the financial results which lie back of the rates, and its too great reliance on secondary sources.

Notwithstanding these defects, the book has performed a service. It reveals a fact too little recognized—the extensive growth of public ownership throughout the world. The individualist and opponent of public ownership will find little comfort in contemplating the extent of public business revealed. For one cannot read the book without being struck with the marked extension of government into business.

The book does more. It contains a comprehensive list of all the commercial undertakings of government. Two chapters are devoted to describing familiar forms of ownership such as roads, bridges, schools, forests and the like. Other chapters cover telegraphs, telephones, mines, banking, insurance, elevators, mills, printing, water works, street railways, gas plants, electric light and power plants, and many other forms of public enterprise. One chapter describes the Ontario hydro-electric development, another is given to the discussion of the advantages of public superpower. A final chapter is devoted to answering the popular and customary objections to public ownership. It is only fair to say, however, that the book is suited to a popular audience and contains much which the student of the subject already knows. For this reason parts of the treatment make no new contribution to the subject.

K. M. WILLIAMSON.

*Wesleyan University.*

*The Suburban Trend.* By HARLAN PAUL DOUGLASS. (New York: Century Company. 1925. Pp. xii, 340.)

Both for its extraordinary amount of information concerning the

development of suburbs and for its revealing analysis of what they mean in our community life this book should find a wide reading. Its value will be appreciated not only by the student of civics but by every dweller in city or suburb who tries to be an intelligent citizen. Although included in a series of books on rural life—and mention should be made of its illuminating discussion of the effect of suburban development on agricultural methods—it is essentially a contribution to the rapidly growing science of regional planning, particularly so far as the social and economic aspects of such planning are concerned.

While the extent of the suburban trend and its relation to city congestion are shown by the presentation of much statistical data, the types of suburban development are discussed with a wealth of illustrative material drawn from all over the country and evidencing the author's wide and intimate familiarity with the communities mentioned. In fact, the average commuter who imagines from his own experience that all suburbs are much the same will be amazed at the variety of types he finds described.

It is when the mirror is held up to his daily life, however, that the suburbanite will most appreciate how penetratingly his individual and group psychology are understood by the author. The chapters on "suburban society and institutions" and "suburban social deficiencies" reach with clear perception and many a keen thrust to the very heart of the social relationships and community problems in suburban life.

Throughout the major part of his book, as he points out, Mr. Douglass deals with the suburb "in a mood of enquiry and exposition," as a describer and interpreter of phenomena. But in the latter part he turns earnestly to the espousal of a cause; he advocates urban decentralization along lines of sound scientific control. In a preceding chapter on "the cost of suburban living" he frankly faces the economic problem. And in his conclusions he sees that "only decentralization of industry makes suburban life generally possible for the poor." He is under no illusions as to the magnitude and difficulties of many of the steps which must be taken. But he sets forth some of the forces which are already at work and shows how rapidly we are devising new measures of social control which are applicable to the suburban trend. Although he mentions only briefly the successful English experience in the development of "garden cities," where the inhabitants plan and own their own community, built upon a firm basis of selected industries, Mr. Douglass' book can hardly fail to prepare his readers' minds for the understanding and acceptance of that fundamental idea. And it

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should similarly help to show dwellers in metropolitan districts the great advantages to be gained through regional planning.

GRAHAM R. TAYLOR.

*New York City.*

*Seventy Years of Life and Labor.* By SAMUEL GOMPERS. (New York: E. P. Dutton and Company. 1925. Two volumes. Pp. xxxiv, 557; xxvii, 629.)

It was well that Mr. Gompers was persuaded during his last years to write his memoirs, for he has given us a more intimate picture of the ferment of American industrial life in the three decades prior to 1900 than is to be found elsewhere. The groping of American labor for a political and economic philosophy during the gloomy days of the seventies is mirrored in his own attempts during these formative years to chart his economic way of life. During this period he was an assiduous attendant at the meetings of the Socialists and the Anarchists and at one time even joined the Knights of Labor, against whom he was later to pit his strength. It was his fellow worker, Karl Laurell who gave him the principles which he had been seeking in his advice "Study your union card, Sam, and if the idea doesn't square with that, it ain't true." As Gompers writes, "My trade union card came to be my standard in all new problems," and he bent all his efforts from then on toward increasing the economic power of the trade-unions. With Adolph Straiser, a former Hungarian Socialist, he built up the strong International Cigarmakers Union out of a chaotic labor market. Although later in his life, Gompers came to have antipathy for the innovations of the British Labor movement, it seems indubitable that the principles of high assessments, liberal insurance benefits, and strict control of local strikes by the national body, which were largely responsible for the success of the cigarmakers, were indeed closely modelled upon these which the engineers of England had adopted twenty years earlier.

Gompers was then led to work for the organization of other trades and for their federation in a national body, both because of his sympathy for the cause of labor in general and because of the desire of the cigarmakers to protect themselves against the low wages of the rapidly increasing number of Chinese in the trade. For, if the cigarmakers were to secure a Chinese exclusion law, it was necessary for them to obtain the political support of other trades. Although as a Dutch Jew, he had himself been an immigrant, Gompers always retained this early belief in the necessity of protecting American labor by limiting or



abolishing immigration. This policy accounts in part for the strong streak of nationalism which runs through the American as well as the Australian labor movement. Gompers became the leading figure in the Federation of Organized Trades and Labor Unions which was formed in 1881, and later President of the American Federation of Labor which grew out of this body in 1886. Then came the open clash with the Knights of Labor, a highly centralized organization controlled by the unskilled, which was seeking to absorb the numerically smaller craft unions of the skilled and to use the economic power of the latter to improve the condition of the less skilled. Gompers was successful in keeping the trade unions aloof from the Knights, and when the latter collapsed through its economic weakness, the A. F. of L. was left in undisputed possession of the field. The Gompers program of collective bargaining and trade agreements was then rapidly adopted with the great growth of unionism from 1898 to 1906.

With the second volume, Mr. Gompers becomes more pontifical and less revelatory. He had come to possess a finished system of thought and during the later years he refused to modify it. He fought Socialists, industrial unionists, and the "intellectuals" with an implacable hatred. The parallelism between the position of Gompers during these years and that of Henry Broadhurst in England during the late eighties and early nineties is indeed close.

All who wish to understand the working forces in American political and social life during the last half-century cannot afford to neglect this book. It is a moving chronicle of great events told by a forceful personality who helped to shape them.

PAUL H. DOUGLAS.

*University of Chicago.*

#### BRIEFER NOTICES

*The School for Ambassadors and Other Essays* (Putnam's, pp. 355), by J. J. Jusserand, former ambassador of France to the United States, is made up largely of writings on literary subjects. The essay, however, which gives the title to the book is a brilliant and suggestive account of the history of the ambassadorial function from the earliest times to the present. Written at about the time of his retirement it reads much as a valedictory by one who lived up to the standards set forth in the conclusions of the book. Drawing his material largely from the numerous treatises or manuals on the qualities and duties of ambassadors which

have been written since the fifteenth century in Latin, French, Spanish and Italian, M. Jusserand comments on the qualifications and training which a minister should have, as well as his duties, and shows how the emphasis on the various qualities shifted with the passing of time and with the movement for open diplomacy. More and more emphasis came to be placed upon truth and probity and less upon the principles of Machiavelli. As early as 1737 Pecquet wrote in his *Discours sur l'Art de Négocier*: "The qualities of the heart in every profession, and especially that of the negotiator, are the most important. His success chiefly depends upon the confidence he inspires; sentiments of candor, truth and probity are indispensable to him." And to this M. Jusserand adds: "Most of the principles propounded by modest and now forgotten Pecquet have been justified by events. The most terrible revolutions, the most cruel wars mankind has ever seen, have, one after the other, proclaimed to the world as the moral of their tale of destruction and slaughter; Falsehood and Cruelty do not pay. . . . In the task of hastening better days, honest negotiators, busy with the task and not with the building of their own fortunes, obeying the most austere of the olden-day manuals will have an important part to play. . . . Experience has already shown and will more and more show that no invention, no telephone, no aeroplane, no wireless, will ever replace the knowledge of a country and the understanding of a people's dispositions. The importance of persuading a prince and his minister has diminished; that of understanding a nation has increased. . . . May future ambassadors never forget that, as old Dolet wrote centuries ago, their chief duty 'is to be rather the makers of peace and concord than of discord and of war.'" The author is also hopeful for the League of Nations with its permanent tribunal.

In 1924 Professor Philip Marshall Brown delivered a series of lectures at the Academy of the Hague. These have been published in a small book entitled *La Conciliation Internationale* (A. Pedone, Paris, pp. 95). The four chapters deal with the nature of national interests, the nature and functions of international law, the classification of different international questions and amicable methods of settling disputes between nations. The author's conclusions are briefly as follows: (1) The basis of amicable relations between nations and of international law is mutual respect and common consent. (2) The essential and vital interests of nations are generally moral and political. They are not

strictly legal. Legitimate claims of nationalism most often give birth to serious conflicts. (3) The disputes of a legal character are, in general, of the least importance. They can be regulated by a court of justice, a tribunal of arbitration or by mixed commissions. (4) The most serious disputes should be regulated by means of conciliation. The normal methods of conciliation are diplomacy, conferences, commissions of inquiry and mediation. (5) An obligatory inquiry to establish points of fact is preferable to obligatory arbitration or obligatory conciliation. (6) One must insist, not on the idea of coercion, but on the idea of conciliation. International justice and peace depend upon the sympathetic understanding of peoples and their reciprocal courtesy, which demands deep study and a great deal of patience. What the world needs most is good will, generous sentiments and spontaneity of conciliation.

Three books dealing with the recent war are the *Outbreak of the World War: German Documents Collected by Karl Kautsky* and edited by Max Montegelas and Walter Schucking (Oxford University Press, American Branch, pp. 688); *The Case for the Central Powers* by Count Max Montegelas (Knopf, pp. 255); and *The Roots and Causes of the Wars* (George H. Doran Company, 2 volumes, pp. 1204) by John S. Ewart. Taken as a whole the latter two works give a clear and complete, nontechnical account of the causes of the World War from two somewhat different points of view. Count Montegelas' book is an attempt to relieve Germany of a great part of the responsibility for the World War. Among his seventeen conclusions appear the following: "The World War was not decided upon at Potsdam on the 5th of July, 1914: Germany merely assented to Austria's going to war with Serbia. . . . The possibility that the Austro-Serbian War, like others—the Boer, Moroccan, Tripolitan, and Balkan Wars—might lead to further complications, was well weighed, but the risk was thought very small, in view of the special provocation" (p. 201). "An understanding had almost been reached by the methods Germany had been the first to propose, namely, direct communication between Vienna and St. Petersburg, and limiting the military operations against Serbia when the Russian mobilization suddenly tore the threads asunder." Mr. Ewart's two volumes are packed full of useful data, extracts from speeches, official papers, etc., as well as comments by the author, and constitute an invaluable contribution to a highly controversial subject. In a brief conclusion he sums up in thirty-one points his arguments which may be further summarized as follows: (1) France because of Alsace-Lorraine was responsible for the

western root of the war. (2) Responsibility for the eastern root—the Balkan situation must be shared in chief measure by the Great Powers (1878); secondarily, by Austria Hungary; and, thirdly, by the parties to the treaty of Bucarest (1913), to which must be added Germany's interest in the preservation of Austro-Hungarian integrity. (3) Responsibility for precipitation of hostilities must be attributed to Serbia, Austria and chiefly to Russia because of interruption of negotiations for a peaceful settlement (p. 1173). In many respects the conclusions reached by Mr. Ewart and Count Montegelas are not so far apart as would appear at first glance.

Bishop William Lawrence of Massachusetts has written as a classmate, close personal friend and a keen observer of public affairs, a life of *Henry Cabot Lodge* (Houghton Mifflin Company, pp. 204). In language that is clear and forcible and with an intimate knowledge of his subject, Bishop Lawrence narrates in detail the private life, public service, the principles, ideals and achievements of Senator Lodge. One naturally turns with greatest interest to the chapters dealing with the League of Nations. Due to the limitations of space, all that can be done is to set forth a few sentences from Bishop Lawrence's observations: "People speak as if his opposition to the Treaty of Peace and League of Nations was exceptional and due to personal hostility to President Wilson. Senator Lodge was always firm in his conception of the duty of the Senate to think out independently the questions before it, and so act." And to illustrate this point the author shows how Senator Lodge forced amendments in certain treaties favored by Roosevelt and John Hay; how he opposed President Roosevelt's plan for the fortification of the Panama Canal and later, under changed conditions, supported President Wilson's plan. "As an historian and statesman he distrusted any national or international action, however well intended, which leaped so far beyond the traditions and development of each nation as to endanger its permanence and create a disastrous reaction. He believed that national and international action must be built up from the people, their traditions and their intelligent assent, and not imposed from above. The world is full of the wrecks of noble ideals, pressed into action by leaders who had not the patience and faith to educate the world toward them." The author then shows how Senator Lodge obtained the names of the "necessary two-thirds, Democrats and Republicans, who were ready to vote for the Covenant with the reservations" and then concludes: that if the Democratic Senators "strong, conscientious, loyal

Americans" had been allowed to vote according to their judgment "the United States might have been sitting today in the League of Nations. Failure to enter the League was not due to the Senate, nor to its leader, Senator Lodge."

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When Edward Everett died in 1865, after a long and brilliant public career, he left behind a diary and numerous private papers and letters which his son planned to use in writing a biography of his illustrious father. But the son, William Everett, postponed this task until it was finally given up entirely. Now, after a lapse of sixty years, Paul Revere Frothingham, using this same material, has written a complete and illuminating life under the title *Edward Everett: Orator and Statesman* (Houghton Mifflin Company, pp. 495). The book describes in a most readable and scholarly fashion the chief events in the life of Everett, such as his term as professor of Greek at Harvard University, his service as a member of Congress, as Governor of Massachusetts, minister to England, president of Harvard, Secretary of State, United States Senator, the part he played during the troublesome period of the Civil War and his famous orations. Mr. Frothingham has given us not only the first and definitive biography of a famous American orator and statesman, but also a vivid picture of American history and society during the first half of the nineteenth century. Students of government will find that this book throws much light on the politics, diplomacy and public life of that period.

G. P. Putnam's Sons have published a short biography of *Seth Low* (pp. xix, 92) by Benjamin R. C. Low. The author tells briefly of Low's career, that of a successful business man who became coalition mayor of Brooklyn, president of Columbia University, delegate to the first Hague Conference in 1899, mayor of Greater New York, a leader in reform movements aiming at better government, and, at the very end of his life, a delegate at large to the New York Constitutional Convention acting as chairman of the committee on cities, "and in that capacity grappling with the most refractory question of all: that involving the home rule of cities and the determination of reciprocal jurisdiction." It is unfortunate that the brevity of the book has forced the author to compress into small space the activities of this leader in the reform of municipal government, giving only the barest facts concerning his dramatic fight for better government.

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*Executive Influence in Determining Military Policy in the United States*, by Howard White, (University of Illinois Studies in the Social Sciences, Vol. XII, Nos. 1 and 2, pp. 292) is a useful contribution to the study of American national government. Prior to the recent National Defense Act (establishing three lines of defense: regulars, national guard, and organized reserves) our military policy was characterized by the absence of any foresight. Yet major emergencies have been recurrent, Indian warfare continual. Professor White appraises the influence of the executive in formulating military legislation. Presidential advisers, from Hamilton and Knox to Garrison and Baker, have tended to favor an increase in federal control over military man-power, under the constitutional provision "to raise and support Armies." Congress has evinced a predilection for relying upon the militia as adequate "for the security of a free State." Executive influence is cyclical. In peace, Congress is rather deaf to recommendations in military matters. When war impends, projects for defense receive more attention. Once the nation is committed to war, the force of circumstances exalts to a maximum the influence of the commander in chief. Peace brings retrenchment, legislative investigation, and a reassertion of congressional independence. But politics and the personalities of presidents, secretaries, and legislators make generalizations hazardous. Though the general staff works toward continuity of policy, its progress is contingent upon the accord of the people's representatives.

*National Government and Business* by Rinehart J. Swenson (Century, pp. xxxviii, 475) is an exhaustive work describing first the national administrative agencies which aid business such as the coast and geodetic survey, the lighthouse service, the coast guard, the bureau of foreign and domestic commerce, the bureau of standards, the post office, and so on. Next the author discusses the tariff in relation to business. Part II is devoted to the constitutional position of property in the United States, and deals with such constitutional questions as "due process of law," "eminent domain" and state acts impairing the obligation of contracts. Part III treats the administration of currency and banking; Part IV covers the law of public service, with particular reference to the regulation of public service enterprises and monopoly. Parts V and VI are devoted to the regulation of commerce and combinations in restraint of trade respectively, with emphasis on such topics as national and state powers in the regulation of commerce, the enforcement of the anti-trust laws, and national regulation of packers, stock-

yards and boards of trade. Pertinent judicial decisions are cited, the table of such cases covering fifteen pages of small type. Altogether the work is a most helpful handbook for students of American government and constitutional law.

Anyone in search for good grounds for optimism about the labor problem in the United States would have to look far before finding as interesting and stimulating a book as Robert S. Brookings' *Industrial Ownership, its Economic and Social Significance* (Macmillan, pp. 107). The wide distribution of industrial ownership among relatively small stockholders has now put managers in the position of trustees for the owners, the laborers, and the public. The author optimistically believes that the concentration of corporate control is no menace, but an important step toward the solution of the Capital-Labor problem. He finds further grounds for hope in the statistical demonstration that profits are no higher in lines of trade employing many wage-earners than in those employing few.

Two important additions to the useful research publications of the National Industrial Conference Board are studies in *Trade Associations* (p. 388) and *The Cost of Living in the United States* (p. 201). The former is announced as the first of a series presenting the results of investigations of anti-trust legislation and its effect on business. It deals with the economic significance and legal status of trade organizations, and includes a chapter on representation of business interests in public affairs.

*Wages and Profit-Sharing*, with a chapter on Indian Conditions (University of Calcutta Press, pp. 422, 1924), by Professor R. N. Gilchrist, formerly labor intelligence officer of the government of Bengal, is a study of the various methods of industrial remuneration, and particularly of the systems of profit-sharing and labor co-partnership as they are found in the different countries where they have been introduced.

A volume on the *Federal Reserve System in Operation* (p. 349), by E. A. Goldenweiser, has been published by the McGraw-Hill Book Company. It is intended as an introduction for college classes and for business and professional men.

The Metropolitan Life Insurance Company has issued an account of its activities during its life of thirty-three years, under the title *An Epoch in Life Insurance* (p. 306).

*The Growth of the United States* by Ralph V. Harlow (Henry Holt and Company, pp. xv, 862) is a text-book written for the purpose of arousing the interest and enthusiasm of undergraduates. This aim is accomplished in admirable fashion and without distortion of facts or unfairness in interpretations. The central theme running through the entire book is illustrated by the following paragraph appearing on the first page of the beginning chapter: "American history consists then in the introduction of European civilization into an entirely new environment, and in the gradual growth, under pressure of the surroundings, of a different set of institutions, social and political, in fact, of a different culture. In the various processes of the growth are to be found the keys to American history. To any one even casually concerned in the interplay of human emotions and social conditions, the story is full of intense interest." About one-third of the book is devoted to events since the Civil War.

Teachers who have used Professor William Bennett Munro's earlier work on American Government will be interested in the revised edition of *The Government of the United States, National, State and Local* (Macmillan Company, pp. x, 687). In the experience of many it was a very popular text. It had the quality of being readable, a quality retained in the revision. Students are quick to discover readability in a field where it is so often not emphasized. In addition to rewriting the former chapters and bringing them to date, Professor Munro has introduced certain additional chapters, notably one on "The Citizen and His Privileges," and one on "The Nation's Expenditures." As in the earlier volume the chapters on municipal government are exceptionally well done.

R. M. S.

*Our Governmental Machine* (Alfred A. Knopf, pp. xiv, 223) by Schuyler C. Wallace aims to present to the reader in simple language a picture of the fundamental processes of our governmental machinery rather than its detailed structure. The book commences with an interesting section devoted to public opinion, the long ballot, political parties, and in the remaining portion especial stress is given to some of the chief problems of the present day such as the growth of national power with particular



reference to federal subsidies, proportional representation, revamping of state administration, municipal home rule, and recruiting for government service. Though Mr. Wallace's book is particularly intended for beginners in the study of politics the reviewer agrees with Dr. Charles A. Beard's statement in the introduction "that even the most seasoned veterans in book reading and political caucusing will find something to their advantage in these pages."

*The Voting Machine* (pp. 80), by T. David Zukerman, is a report prepared for the Political Research Bureau of the Republican County Committee of New York. After explaining the history and extent of use of voting machines and presenting numerous facts, figures and expressions of opinions from persons who have used them, Mr. Zukerman sums up their advantages as follows: (1) secrecy of the ballot; (2) absence of void and defective ballots; (3) speed of operation and tally; (4) accuracy and conclusiveness of the count; (5) reduction in expense of conducting elections. Cases are cited as to the constitutionality of voting machines in various states and the objections raised by opponents are answered. The author is of the opinion that the "theoretical" attitude of political scientists is one of the obstacles to the extension of mechanical means for casting and counting ballots.

*The Machine Abolished* (G. P. Putnam's Sons, pp. xxvi, 196), was first published by its author, C. C. P. Clark, M. D., in 1900 as an attack on partisanship in politics. Its reissue marks a quarter century in which the author thinks the spirit of faction has not declined. His formula for its abolition lies in the Soviet model of reducing the direct participation of the people in government to the choice of delegates to the lowest of an ascending hierarchy of assemblies, by which the rule of the most capable is to be insured.

At the time of the death of Frank I. Cobb of the New York World in 1923, Woodrow Wilson wrote by way of tribute: "I consider his death an irreparable loss to journalism and to the liberal political policies which are necessary to liberate mankind from the errors of the past and the partisan selfishness of the future." Cobb's most important editorial articles and public addresses have been compiled by John L. Heaton in a substantial volume of over four hundred pages under the title *Cobb of "The World": A Leader in Liberalism*, (E. P. Dutton & Company, pp. xxvii, 397).

The National Municipal League has made an auspicious beginning of its Monograph Series by the publication of A. E. Buck's *Municipal Budgets and Budget Making* (pp. 77). The book is intended to be of help to city officials charged with the duty of making budgets, and to set forth for them and for citizens and students in general the principles of a sound budget system. The topics covered are the budget-making organization, character and classification of budget information, the budget estimate forms, preparation and revision of budget estimates, the form and contents of the budget, appropriation, borrowing and revenue measures, legislative action on the budget, and administration of the budget plan. The book maintains the same high standard already set by Mr. Buck in his earlier and more comprehensive treatise on *Budget Making*.

So far as the reviewer's limited experience goes it is impossible to find a more adequate brief treatment of the "doctrine of qualified privilege" than is contained in Samuel Arthur Dawson's *Freedom of the Press: A Study of the Legal Doctrine of "Qualified Privilege"* (Columbia University Press, pp. 120). After defining qualified privilege as "the right of the citizens of a liberal government to publish, without malice, fair and true reports of judicial, legislative or other public and official proceedings," and explaining the meaning of libel, the author traces the history of the struggle for the freedom of the press in reporting legislative and judicial proceedings in England and America. The next two chapters deal with "Judicial Interpretation of the Libel Laws" and "The Present Status of Qualified Privilege" in England and this country. The last chapter discusses "Qualified Privileges A Requisite of Democracy."

*The Selection of Jurors* (pp. 107) by Clarence N. Callender is a comparative study of the methods of selection and the personnel of juries in Philadelphia, New York City, London, Chicago, Pittsburgh, Boston, Baltimore and St. Louis. Mr. Callender is of the opinion that of the cities covered by his survey New York has the best system of choosing jurors. In conclusion he recommends a system under which not more than three persons, and preferably only one, appointed by the judges should constitute the selecting body; improved methods of obtaining complete information regarding the character, occupation, education, interests and views of prospective jurors; records of jurors based upon

previous jury service; the accommodation of jurors as respects the most convenient time of service; the maintenance of selected lists of competent jurors for service in difficult cases; and provision for handling the excuses of persons called for jury service outside the court. It is the opinion of the author that such changes would greatly improve the operation of the jury system as found in most large cities. The study was written as a thesis for the degree of doctor of philosophy at the University of Pennsylvania.

The children's bureau of the United States department of labor has published an important report on *Juvenile Courts at Work* (p. 323), by Katherine F. Lenroot and Emma O. Lundberg. This is an intensive study of the organization and methods of ten of the more important courts of this kind in the United States.

*Legal and Political Questions Between Nations* by Thomas Willing Balch (Allen, Lane & Scott, Philadelphia, pp. x, 147) maintains that disputes between nations may be divided into two great divisions; legal questions and political questions. Legal questions do not involve the political power in the world of opposing states; political questions do involve the power or future existence of contesting nations. The former class of cases can be decided by international courts, the latter class can only be settled by trial by battle. A review is given of many international disputes, the legal ones having been solved by judicial settlements, but the political ones by war.

*Greater France in Africa*, by William Milligan Sloane. (Scribners pp. 284), in spite of the comprehensiveness of its title, deals only with Algeria and Morocco. It was written as the result of a motor trip through Algeria and Morocco by the author and eight other Americans as guests of the Committee France-America. The author has told his travel story on the background of much sociological material. He deals with history, race problems, religious and political problems, art, architecture, and other subjects pertinent to an understanding of the country. This material is useful. But confined to the limits of a travel book it is necessarily sketchy. And somehow, in combining first-hand and second-hand material, the author has missed vividness and charm of presentation. The book leans too far toward admiration at the expense of critical appraisal. The style, as well as the subject matter is capable

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of improvement. It is inadequate as a study of institutions and not very interesting as a book of travel.<sup>1</sup>

*The Turco-Egyptian Question in the Relations of England, France and Russia, 1832-1841*, by Frederick Stanley Rodkey, (University of Illinois Studies in the Social Sciences, Vol. XI, nos. 3 and 4, pp. 274) is an interesting and convenient study of a complex question, compiled from the numerous printed materials which exist in English, French and German. To this he has added, in footnotes and appendices, such information and opinions as were to be found in the archives of our department of state. This latter source, although affording some comments on the questions at issue by disinterested observers, can hardly be said to provide anything authoritative. Porter's comments on the French trade with Egypt (p. 242) are worthy of note. The omission of important Russian authorities precludes the possibility of treating the question "in its entirety." One misses the name of Tatishchev. In a work which rests so largely upon printed materials, it is doubtful whether such extensive quotation and "documentation" is necessary.

A third revised edition of J. A. R. Marriott's standard work on *The Eastern Question, an Historical Study in European Diplomacy*. (Oxford University Press, pp. 564) has been published. Mr. Marriott has added a second epilogue, containing a brief summary of events between 1917 and the signature of the Treaty of Lausanne in 1923. The four years' delay in making peace with the Turk the author believes was an incalculable misfortune. Had a treaty been concluded in 1919 the Turk would have been compelled to retire to Asia. While the delay was due in part to interallied jealousy, it was also due to the hope of Europe that America would finally act as the principal liquidator of the Ottoman Empire. If it had not been for the Bolshevik Revolution, Russia would have realized her historic dream of occupying Constantinople. As it is, the Eastern question is by no means solved. The author feels, however, that even if European diplomacy has failed at this task, the nationalist movement in Turkey, by cutting itself away from an enervated Constantinople, may succeed in reinvigorating a decaying nation.

Two books dealing with Asiatic politics are *Sidelights on the Crisis in India* by H. Harcourt (Longmans, Green and Company, pp. xi, 118).

<sup>1</sup> By Constante Southworth, Brookings School, Washington, D. C.

and *The Challenge of Asia* by Stanley Rice (Scribner's, pp. 256). The former book is made up of letters exchanged between the author and an Indian civilian and contains three sections that are of particular interest, namely: the administration of law in British India, letters on Mahatma Gandhi, and government and liberty in India. Mr. Rice's opinion is that the challenge of Asia is not to be viewed so much from the economic aspect of the trade union or from the statistical aspect of the eugenicist, but rather that it comes from the future rivalry of an Asia which will "copy Europe and accomplish the mastery by peaceful penetration," not by "an overwhelming Asiatic flood" of immigration.

E. Alexander Powell's *The Struggle for Power in Moslem Asia*, (Century Co., pp. 389) is a popular account, written by the well-known traveller-publicist, of present-day political and economic conditions in Western Asia, including Turkey, Syria, Palestine, Arabia, Mesopotamia, and Persia. He does not believe that the mandatory form of government, at least in the Near East, will prove successful. It is not a possession or a protectorate, but merely a political abstraction. Unless the French grant the Syrians a greater measure of autonomy, he does not believe that French rule in Syria can long endure.

One of the latest booklets in The World's Manuals Series, published by the Oxford University Press, is *Europe Overseas* by James A. Williamson (pp. 144). Anyone desiring a brief and readable account will find here an accurate and unbiased story of the expansion of Europe. Ending his book with a few questions—Is European expansion on the eve of a new period in its development? Is the European hold upon certain regions imperiled? Is European power on the wane in Asia? Are the Africans to remain forever a subject race? and Are the Americans destined to become the centre of the European world?—the author concludes that these and other unanswered questions show that "the expansion of Europe is not a finished process, like some other historical themes."

In his book on *Studies in Mid-Victorian Imperialism* by C. A. Bodelsen (Knopf, pp. 228) the author uses the term imperialism in one sense only, "denoting that specifically British movement which aims at preserving and consolidating the unity of the British empire." The economic background of British imperialism is lightly touched on, the central theme of the book being the change in English public opinion on the

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relation between England and the colonies from the middle of the century till the end of the "eighties." The author finds that the years 1868 to 1870 are critical in the change from the separatist tendencies of the Manchester group so influential in the middle of the century to the "Greater Britain" of Dilke, Seeley and Froude. The book is a well-written presentation of most of the important personalities and opinions in nineteenth century British imperialism.

Louis Aubert's *The Reconstruction of Europe, Its Economic and Political Conditions: Their Relative Importance* (Yale University Press, pp. 167) is made up of lectures delivered by the author at the Institute of Politics at Williamstown. The thesis of this work is the primary importance of political considerations in all programmes of reconstruction—the French view, as against the Anglo-American emphasis upon economic necessities. The criticism of the more material economic views is focused upon Mr. Keynes. While it is excellent to ensure that the political factor is not neglected, yet M. Aubert himself tends to overemphasize it and there is no real comparison with the merits of other views.

Among the recent books on the political and economic problems arising out of the World War are *Reconstruction* by J. D. Whelpley, (Funk and Wagnalls Company, pp. 383) and *The Road to World Peace* by Oscar Newfang (Putnam's, pp. 372). Mr. Whelpley's volume is an appraisal of the economic and political conditions, especially the former, of the countries most affected by the World War and brings matters down to January 1925. Mr. Newfang proposes the improvement of the League of Nations by its gradual development into a world government modelled after the federal system of the United States with a bicameral legislature, a central executive consisting of seven members "elected by direct vote of the people of the earth," and a series of courts culminating in a supreme court.

A useful *Syllabus on International Relations* (p. 276), by Parker T. Moon, has been published by Macmillan for the Institute of International Education.

When England entered the war in 1914 three members of the British Cabinet resigned—John Morley, John Burns and Charles Trevelyan. One of these men, Trevelyan, joined with Ramsay MacDonald, E. D.

Morel and Norman Angell to form the Union of Democratic Control which has now for its purpose the democratic control of foreign policy. Miss Helena M. Swanwick has written the ten years' history of the organization under the title *Builders of Peace* (Swarthmore Press, London, pp. 191).

*Purpose the Variant of Theory*, by Julius Temple House (University of Chicago Press, pp. viii, 80) is a study of Hobbes, Locke, Hume, and J. S. Mill, to show that the distinctive elements of their systems of thought grew out of and were determined by their respective personal and social backgrounds and the political conditions of the times in which they lived.

*English Church Reform 1815-1840* (Longmans, Green and Company, pp. x, 180) by William Law Mathieson is a study of the ecclesiastical side of the reform movement which took place in England during the first part of the nineteenth century. The book deals with the problems which the Church of England had to face as a result of the growth of population in England and in the manufacturing districts, of the grievance against the Church, the attitude of the clergy and bishops in regard to parliamentary and social reform, the appointment of the Ecclesiastical Commission and the Acts of Parliament in regard to the Church.

Louis W. Moffit's *England on the Eve of the Industrial Revolution* (P. S. King and Son, pp. xxi, 312) is a study of economic and social conditions, roughly from 1740-1760, based chiefly upon Lancashire. It is not novel but is useful, elementary and compact.

Messrs. G. P. Putnam's Sons have published a revised edition of David Duncan Wallace's *The Government of England, National, Local, Imperial* (pp. ix, 391). The body of the book has been brought down to date and several new chapters have been added on such subjects as "The Irish Free State and Northern Ireland," "India," etc. Resemblances and contrasts between the government of England and the United States are emphasized and the material is arranged in such a way as to make it a useful handbook for the general reader as well as for the student of government.

Among the reprints of standard works which have already proved their merit are *The Making of the English Constitution, 449-1485* by

Albert Beebe White (Putnam's, pp. 410) and *The Underlying Principles of Modern Legislation* by Jethro Brown (Dutton, pp. 319) an able and brilliant book which has gone through six editions. Alfred E. Zimmern has also brought out a third revised edition of *The Greek Commonwealth* (Oxford University Press, pp. 461). This invaluable and scholarly work has been made more useful by changes and additions relating chiefly to the new literature on the subject and to later applications of conclusions or tendencies referred to in the original text. The map of Attica has also been corrected in the light of certain new information furnished the author by Mr. Shirley C. Atchley of the British legation at Athens.

*Two Ordeals of Democracy* by John Buchan (Houghton Mifflin Company, pp. vi, 56) is an address delivered by the well-known English writer at Milton Academy, Massachusetts, in 1924. While its central theme is to show how American democracy met the test of the Civil War and the World War, the address deals in the main with the former war and is really a tribute to Abraham Lincoln and General Lee.

Anna Schoellkopf has written an interesting biography of *Don José de San Martín, 1778-1850* (Boni and Liveright, pp. 142). Mr. Honorio Pueyrredon, the Argentine ambassador to the United States, has written a brief preface to the book. The author narrates in a dramatic and vivid fashion the part which General de San Martín played in the liberation of the Spanish-American colonies, his break with Bolívar, the renunciation of his command in Peru, and his long and sad exile abroad. While extremely sympathetic toward San Martín, the author is not bitter in her treatment of Bolívar.



# RECENT PUBLICATIONS OF POLITICAL INTEREST

## BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

*University of Illinois*

### AMERICAN GOVERNMENT AND PUBLIC LAW

#### *Books*

*Abbott, Edith.* Historical aspects of the immigration problem. Univ. of Chicago Press.

*Alderman, E. A.* Woodrow Wilson. Pp. 80. Doubleday, Page.

*Baker, Elizabeth F.* Protective labor legislation with special reference to women in the state of New York. (Columbia Univ. Studies.) Pp. 467.

*Bauer, John.* Effective regulation of public utilities. Macmillan.

*Bennett, Jesse Lee.* The essential American tradition. Doran.

*Bolton, S. K.* Famous American statesmen. Pp. 375. Crowell.

*Brown, Harry Gunnison.* The taxation of unearned incomes. Pp. 173. Columbia (Mo.): Lucas Bros.

*Buchanan, A.,* ed. Oklahoma tax code. Pp. 532. Oklahoma City: Harlow Pub. Co.

*Chittenden, W. E.,* comp. Abraham Lincoln's speeches. Dodd, Mead.

*Clark, D. W.* Child labor and the social conscience; child labor primer. Pp. 124. N. Y.: Abingdon Press.

*Fitzpatrick, J. T.,* ed. Tax law of the state of New York. Pp. 314. Albany: M. Bender & Co.

*Fossum, Paul R.* The agrarian movement in North Dakota. (Johns Hopkins Univ. Studies in Hist. and Pol. Sci., series 43, no. 1.) Pp. 183. Baltimore.

*Frankfurter, Felix.* Supplement to cases under the interstate commerce act. Pp. vii + 791-984. Harvard Univ. Press.

*Frothingham, Paul Revere.* Edward Everett. Pp. 495. Houghton Mifflin.

*Goldenweiser, E. A.* Federal reserve system in operation. Pp. 349. N. Y.: McGraw-Hill.

*Groves, Charles Stuart.* Henry Cabot Lodge: the statesman. Pp. 152. Boston: Small, Maynard.

*Hazard, Henry B.,* and *Moore, Margaret D.* The constitution at a glance. Outline analysis with explanatory notes. Washington: Henry B. Hazard.

*Holmes, G. E.* Federal income tax. Pp. 2103. Indianapolis: Bobbs-Merrill.

*Hopkins, J. L.* Annotated federal judicial code. Pp. 400. Cincinnati: W. H. Anderson Co.

*Hough, Charles M.,* ed. Reports of cases in the vice admiralty of the province

of New York and in the court of admiralty in the state of New York, 1715-1788. Yale Univ. Press.

*Jacobson, C.* Jeff Davis: lawyer—politician—statesman, his life and speeches. Pp. 240. Little Rock (Ark.): Author.

*Jones, Eliot, and Vanderblue, Homer B.* Railroads: cases and selections. Macmillan.

*Judson, Harry Pratt.* Our federal republic. Macmillan.

*Lanni, Clement G.* Traveling on the democratic donkey. N. Y.: Rochester Alliance Press.

*Lawrence, William.* Henry Cabot Lodge. Pp. 204. Houghton Mifflin.

*Leigh, Randolph.* The citadel of freedom. A brief study of the constitution and its builders, and of the movement to destroy it. Putnam's.

*McFadden, W. J.* The law of prohibition, Volstead act, annotated. Pp. 1175. Chicago: Callaghan.

*Michelbacher, G. F., and Nial, T. M.* Workmen's compensation insurance, including employer's liability insurance. Pp. xi + 503. N. Y.: McGraw-Hill.

*Mohun, B., ed.* The revenue act of 1924. Pp. xiv + 194. Washington: Byron S. Adams.

*Ogg, Frederic A., and Ray, P. Orman.* Introduction to American government. (rev. ed.) Pp. 875. Century Co.

*Ogg, Frederic A., and Ray, P. Orman.* Introduction to American government. (National Government ed., revised.) Pp. 600. Century Co.

*Raymond, William G.* The public and its utilities. Pp. 346. N. Y.: John Wiley & Sons.

*Russell, J. Vance.* Outlawing the Almighty, or prohibition carried to the high court of nature and nature's god. Springfield (Mass.): G. Doubleday Steere.

*Safford, Victor.* Immigration problems. Pp. 280. Dodd, Mead.

*Skinner, W. A.* The workmen's compensation law of Pennsylvania. Pp. 466. Philadelphia: Geo. T. Bisel Co.

*Smith, William H.* History of the cabinet of the United States of America. Baltimore: Industrial Printing Co.

*Spurr, H. C.* Guiding principles of public service regulation. Vol. I. Pp. lxxv + 752. Rochester: Public Utilities Reports, Inc.

*Stewart, Frank H.* History of the first United States mint; its people and its operations. Pp. 208. Philadelphia: Wm. J. Campbell.

*Stewart, Frank M.* The reorganization of state administration in Texas. Pp. 129. Univ. of Tex. Bulletin, no. 2507: Feb. 15, 1925.

*Townsend, William H.* Lincoln the litigant. Houghton Mifflin.

*Warren-Adams letters.* Vol. II, 1778-1814. Cambridge: Riverside Press.

*White, Leonard D.* An evaluation of the system of central financial control of research in state governments. Pp. 134. Washington: Nat. Research Council.

*Willard, M. W., ed.* Letters on the American Revolution. Pp. 368. Boston: Houghton Mifflin.

*Williams, Charles R., ed.* Diary and letters of Rutherford Birchard Hayes, nineteenth president of the United States. 2 vols. Columbus (Ohio): Ohio Archaeol. and Hist. Soc.

*Wortham, Louis J.* A history of Texas. 5 vols. Pp. 2101. Fort Worth (Tex.): Wortham-Molyneaux Co.

*Articles*

**Adjutant General.** The office of adjutant general in Texas, 1835-1881. *Clar-  
ence P. Denman.* Southwestern Hist. Quar. Apr., 1925.

**Administration.** Educational training for administration in America. *F. F.  
Blachly.* Jour. Pub. Admin. Apr., 1925.

———. An engineer's suggestions on government. *Hugh L. Cooper.*  
World's Work. May, 1925.

**Advisory Opinions.** Solicitor-General Beck's suggestion of a congressional  
quiz class to be operated as a supreme court annex. *Robert M. Hughes.* Va. Law  
Rev. Apr., 1925.

**Agricultural Policy.** Prices and agriculture. *Alvin H. Hansen.* Farm de-  
pression and credit, 1920-21. II. *Claude L. Benner.* Jour. Pol. Econ. Apr.

**Amendments.** Amending the constitution of the United States. *Margaret  
Center Klinglesmith.* Pa. Law Rev. May, 1925.

———. The child labor amendment. *Henry Pratt Fairchild.* Yale Rev.  
July, 1925.

**Appeals.** Important changes in federal appellate jurisdiction. *C. R. S.  
W. Va.* Law Quar. Feb., 1925.

———. Federal appellate procedure as affected by the act of February 13,  
1925. *Paxton Blair.* Columbia Law Rev. Apr., 1925.

———. A review of the act of Congress of February 13, 1925. *Jacob Trieber.*  
Am. Law Rev. May-June, 1925.

———. Federal review of errors of state courts under the full faith and  
credit clause and the fourteenth amendment. *Note Editor.* Harvard Law Rev.  
Apr.

———. Federal habeas corpus as a means of review of state decisions. *B. M.  
Erroneous principles of law as binding in subsequent appeals in the same case.*  
*M. E. C.* Pa. Law Rev. May, 1925.

**Arbitration.** Constitutional limitations on compulsory industrial arbitration.  
*Sidney Post Simpson.* Harvard Law Rev. Apr., 1925.

———. Arbitration under the modern statutes. *M. M. B.* Mich. Law Rev.  
June, 1925.

———. The United States arbitration act. June, 1925.

**Banking Legislation.** The depositors' guaranty fund law. *Herman Ginsberg.*  
Neb. Law. Bull. Jan., 1925.

———. Constitutionality of federal branch bank legislation. *Frank P.  
Breckinridge.* Ill. Law Rev. Apr., 1925.

**Bankruptcy Act.** Improvements in the bankruptcy act and in its administra-  
tion. *C. F. Luberger.* Ia. Law Bull. Mar., 1925.

**Borah.** This man Borah. *Charles Merz.* New Repub. May 27, June 3, 10,  
1925.

**Business Control.** The government and American business in foreign coun-  
tries. *Charles E. Hughes.* Econ. World. May 9, 1925.

———. Validity of transactions on the board of trade. *Clay Judson.* Ill.  
Law Rev. Apr., 1925.

**Cabinet.** Balance of power in Washington. *David F. Houston.* World's  
Work. June, 1925.

**Church and State.** America and Roman catholicism. II. Strike at the source. *John Jay Chapman*. III. A defense of authority. *Frederick J. Kinsman*. IV. Catholicism self-condemned. *Charles Fama*. *Forum*. Apr., May, June, 1925.

**Civil Service.** American civil service at home and abroad. *W. J. Glenny*. *Jour. Pub. Admin.* Apr., 1925.

———. Governor Pinchot and the merit system. *H. W. Dodds*. *Nat. Mun. Rev.* Apr., 1925.

**Civil War.** Is the printed diary of Gideon Welles reliable? *Howard K. Beale*. *Am. Hist. Rev.* Apr., 1925.

**Commerce Clause.** Local state government as affected by the commerce clause. *Edgar Watkins*. *Central Law Jour.* Apr. 5, 1925.

**Congress.** Congress invades the white house. Behind the blocs. *Charles Merz*. *Harper's*. May, June, 1925.

———. Congressional pie. *Hilton Butler*. *Am. Mercury*. May, 1925.

**Constitution.** Glories of the American constitution. *Thomas R. Marshall*. *Boston Univ. Law Rev.* April, 1925.

———. Some first principles and some common delusions. *James Hartley Beal*. *Const. Rev.* Apr., 1925.

———. The progress of constitutional theory, 1776-1787. *Edward S. Corwin*. *Am. Hist. Rev.* Apr., 1925.

———. Constitution v. constitutional theory. *Edward S. Corwin*. *Comment*. *Thomas Reed Powell*. *Am. Pol. Sci. Rev.* May, 1925.

———. Legislation relating to teaching the constitution, with a model act. *Committee on Instruction of the American Political Science Association*. *Hist. Outlook*. May, 1925.

**Contempt of Court.** Comment on literary style of judge as contempt of court. *E. F. Albertsworth*. *Ill. Law Rev.* June, 1925.

**Coolidge.** The ineffectual Mr. Coolidge. *Frank R. Kent*. *New Repub.* Apr. 15, 1925.

———. The change in Coolidge. *French Strother*. *World's Work*. June.

**Criminal Justice.** Improvement of administration of criminal justice by exercise of judicial power. *Marcus A. Kavanagh*. Defects in criminal justice. III. IV. *Committee of American Law Institute*. *Am. Bar Assoc. Jour.* Apr., May, 1925.

———. The pound of flesh. Merely justice. *Alice Thornton*. *Atlan. M.* Apr., May, 1925.

———. The work of the supreme court of Illinois in criminal cases. *Andrew A. Bruce*. *Ill. Law Rev.* June, 1925.

**Debt Redemption.** Are we redeeming our national debt too hastily? *T. David Zukerman*. *Pol. Sci. Quar.* June, 1925.

**Democratic Party.** New feuds in the democratic party. *Mark Sullivan*. *World's Work*. Apr., 1925.

———. Can we save the democratic party? *George F. Milton*. *Century*. May, 1925.

**Education.** State universities and state politics *Glenn Frank*. *Century*. May, 1925.

**Election.** Les élections américaines de novembre 1924. *Frederic Austin Ogg*. Rev. Sci. Pol. Jan.-Mar., 1925.

**Double Jeopardy.** Double jeopardy. *L. J. Olmsted*. Cornell Law Quar. Apr., 1925.

**Federal Relations.** Too many federal cooks. *Donald Wilhelm*. Forum. May, 1925.

———. Recent strides of federal authority. *William Cabell Bruce*. Scribner's. June, 1925.

**Federal Trade Commission.** La défense contre la spéculation illicite par la publicité et le contrôle administratif. *Ed. Lambert*. Bull. Mens. Légis. Comp. Oct.-Dec., 1924.

**Fifth Amendment.** Fifth amendment to federal constitution—"a witness against himself." *H. L. S. Wis. Law Rev.* Apr., 1925.

**Free Speech.** Count Karolyi and America. *Charles A. Beard*. Nation. Apr. 1, 1925.

———. How free is free speech? *Robert W. Winston*. Scribner's. June.

**Government liability.** Government liability in tort. *Edwin M. Borchard*. Am. Law Rev. May-June, 1925.

———. Liability of the United States for property taken. *Ernst Freund*. Ill. Law Rev. June, 1925.

**Governor.** Governors' messages. *Ralph S. Boots*. Am. Pol. Sci. Rev. May, 1925.

**Immigration.** The new immigration law. *J. G. Wilson*. Am. Mercury. Apr., 1925.

———. The meaning of nationality in the recent immigration acts. *Edwin D. Dickinson*. Am. Jour. Int. Law. Apr., 1925.

**Impeachment.** Impeachment of governor at special session. *M. T. Van Hecke*. Wis. Law Rev. Apr., 1925.

**Implied Powers.** The implied powers under the constitution. *Haywood J. Pearce, Jr.* Const. Rev. Apr., 1925.

**Indian Policy.** The federal Indian policy in Texas, 1845-1860. II. *Lena Clara Koch*. Southwestern Hist. Quar. Apr., 1925.

**Jefferson.** Un fondateur des États-Unis.—Jefferson, représentant de l'esprit démocratique. *Nicholas Murray Butler*. Le Correspondant. Apr. 10, 1925.

**Judicial Review.** Judicial control of the executive by mandamus and injunction. *David A. Pine*. Georgetown Law Jour. Jan., 1925.

———. The judicial review of executive acts. *Albert Levitt*. Mich. Law Rev. Apr., 1925.

———. Judicial review of legislation by the supreme court. *Robert von Moschzisker*. The influence of the American doctrine of judicial review on modern constitutional development. *Henry H. Wilson*. Const. Rev. Apr., 1925.

———. Supreme court and the constitution. *William Seagle*. New Repub. Apr. 8, 1925.

**Judiciary.** Jurisdictional amount in the United States district court. *Armistead M. Dobie*. Harvard Law Rev. Apr., 1925.

**Jury Trial.** Trial by jury in suits to enjoin nuisances. *Note Editor*. Columbia Law Rev. May, 1925.

**Jury Trial.** Does the seventh amendment to the constitution of the United States require jury trials in all condemnation proceedings? *Walker D. Hines*. Va. Law Rev. May, 1925.

———. Constitutionality of statute giving defendant the right to a jury trial in criminal contempt cases. *T. M. A.* Va. Law Rev. June, 1925.

**Ku Klux Klan.** Notes for a history of the klan. *Ward Greene*. Am. Mercury. June, 1925.

**Legislature.** The behavior of legislative groups. *Stuart A. Rice*. Pol. Sci. Quar. Mar., 1925.

———. The constitutional privileges of legislators: exemptions from arrest and action for defamation. *Oliver P. Field*. Minn. Law Rev. Apr., 1925.

**Liberalism.** American fascism. A plea for American liberalism. *Duncan Aikman*. Harper's. Apr., 1925.

**Martial Law.** Martial law and its effect upon the soldier's liability to the civilian. *Gerald F. Flood*. Pa. Law Rev. May, 1925.

———. The effect of martial law upon the soldier's liability to the citizen. *Gerald F. Flood*. Mich. Law Rev. June, 1925.

**Naval Discipline.** Administration of naval discipline. *L. Cleveland McNemar*. Georgetown Law Jour. Jan., 1925.

**Naval Policy.** Battleship—or airship? *A. D. Turnbull*. A condemnation of United States naval policy. *William H. King*. A defense of United States naval policy. *Dudley W. Knox*. Current Hist. Apr., May, June, 1925.

**Negro Problem.** Disfranchisement of negroes in New England. *James Truslow Adams*. Am. Hist. Rev. Apr., 1925.

———. Southern memories: sidelights on the race problem. *Albert Guérard*. Scribner's. May, 1925.

**North Carolina.** Statutory changes in North Carolina law in 1924. *Atwell Campbell McIntosh* and *Robert Hasley Wettach*. N. C. Law Rev. Feb., 1925.

**Pardon.** The pardon power. *Orie S. Ware*. Ky. Law Jour. May, 1925.

———. Power of president to pardon for criminal contempt. *Paul E. Price*. Ill. Law Rev. June, 1925.

**Porto Rico.** Porto Rico: the American colony. *Luis Muñoz Martín*. Nation. Apr. 8, 1925.

**Primary.** The direct primary: a study from life. *Imogen B. Oakley*. Atlan. M. June, 1925.

**Prohibition.** Prohibition as it is. IV. Rivers of beer on the Atlantic seaboard. *Rollin Lynde Hartt*. World's Work. Apr., 1925.

———. Prohibition, pro and con. Do the prohibition laws bind in conscience? *John A. Ryan*. Catholic World. Apr., May, 1925.

———. Application of internal revenue laws to forfeiture of vehicle used in transporting intoxicating liquors. *R. W. H., Jr.* Va. Law Rev. June, 1925.

**Public Lands.** Homestead provisions in the Texas constitution. *Brady Cole*. Tex. Law Rev. Apr., 1925.

———. The administrative determination of public land controversies. I. II. III. *Henry L. McClintock*. Minn. Law Rev. Apr., May, June, 1925.

**Public Utilities.** Chief elements of controversy in public utility rate making. I. II. *John Bauer*. Nat. Mun. Rev. Apr., May, 1925.

**Railroad Problem.** The interstate commerce commission and the general level of railroad rates. *R. H. Montgomery.* The published rate in interstate commerce. *John C. White.* Southwestern Pol. and Soc. Sci. Quar. Mar., 1925.

**Retroactive Legislation.** Deprivation of "property" by retroactive legislation. *Note Editor.* Columbia Law Rev. Apr., 1925.

**Search and Seizure.** Constitutional law—search and seizure clause. *H. P. G.* Search and seizure—probable cause. *J. H.* Georgetown Law Jour. Jan., 1925.

———. Our constitutional prohibition against unreasonable searches and seizures. *Flem D. Sampson.* Ky. Law Jour. May, 1925.

———. Search and seizure without a warrant. *H. W. S.* Pa. Law Rev. May, 1925.

———. Use in a state court of evidence unlawfully seized by federal officers. *Edward W. Hinton.* Seizure of contraband liquor in automobile. *James Parker Hull.* Ill. Law Rev. May, June, 1925.

———. Search of automobile without warrant—when reasonable. *M. G. L.* Mich. Law Rev. June, 1925.

**Senate.** The senate delays of justice. *John H. Wigmore.* Ill. Law Rev. Apr., 1925.

———. Our senators and their rules. *Clinton W. Gilbert.* Cloture in the senate. *Oliver Peck Newman.* Rev. of Revs. June, 1925.

**Sherman Act.** Criminal intent as applied to conspiracy under the Sherman act. *John H. Bishop.* Va. Law Rev. Apr., 1925.

**State Administration.** State governmental and political development in 1924. Arkansas. *David Y. Thomas.* Missouri. *Joseph B. Kingsbury.* Oklahoma. *Harry A. Barth.* Texas. *Frank M. Stewart.* Southwestern Pol. and Soc. Sci. Quar. Mar., 1925.

———. Recent types of administrative action in North Carolina. *C. W. P.* N. C. Law Rev. Apr., 1925.

**State Constitutions.** Early frontier democracy in the first Kentucky constitution. *E. Merton Coulter.* W. Va. Law Quar. Feb., 1925.

**States' Rights.** Is states' rights a dead issue? *Glenn Frank.* Century. Apr., 1925.

**Supreme Court.** Umpiring the federal system, 1922-1924. *Thomas Reed Powell.* Pol. Sci. Quar. Mar., 1925.

**Tariff.** Some legal aspects of the flexible tariff. II. *Henry H. Glassie.* Va. Law Rev. Apr., 1925.

———. Taming the tariff commission. *Silas Bent.* Nation. May 27, 1925.

**Taxation.** The power of a state to tax the franchise of a foreign corporation doing exclusively interstate business. *G. S. S.* Pa. Law Rev. Mar., 1925.

———. The tax maze. *George O. May.* Atlan. M. Apr., 1925.

———. Exemption from federal income taxation of the compensation of employees of states or their political subdivisions. *Note Editor.* Harvard Law Rev. Apr., 1925.

———. Dividends in income taxation. *H. L. Lutz.* The concept of income in federal taxation. *William Wallace Hewett.* Jour. Pol. Econ. Apr., 1925.

———. The income tax liability of dividends in liquidation. *Roswell F. Magill.* Mich. Law Rev. Apr., 1925.

- Taxation.** That income tax of yours. *Arthur Warner*. *Nation*. Apr. 8, 1925.
- . The economic folly of taxes that impair or destroy the sources of revenue. *Garrard B. Winston*. Excessive inheritance tax rates and their economic effects. *Charles S. Dewey*. Properly devised taxation and the productive employment of capital. *A. W. Mellon*. *Econ. World*. Apr. 25, May 9, June 6.
- . Taxability of wages of municipal employees under revenue act of 1924. *Note Editor*. *Columbia Law Rev.* May, 1925.
- . Motor-vehicle taxation. *Henry R. Trumbower*. *Rev. of Revs.* June, 1925.
- . Use of liberty bonds in payment of estate taxes. *Robert A. Love*. *Am. Econ. Rev.* June, 1925.
- . Income tax predicated upon citizenship: *Cook v. Tait*. *Albert Lévit*. Uncertainties and diversities in death duty legislation and interpretations. *Russell L. Bradford*. *Va. Law. Rev.* June, 1925.
- Voting Machines.** The case for mechanical balloting. *T. David Zukerman*. *Nat. Mun. Rev.* Apr., 1925.
- West.** Western opinion and the war of 1812. *John F. Cady*. *Ohio Archeol. and Hist. Quar.* Oct., 1924.
- . An early plan for the development of the west. *Harold M. Baer*. *Am. Hist. Rev.* Apr., 1925.
- Wilson.** Woodrow Wilson—his human side. *George Barton*. *Current Hist.* Apr., 1925.
- Woman Suffrage.** Some American women and the vote. *Katharine Fullerton Gerould*. *Scribner's*. May, 1925.
- Women's Rights.** Further statutory changes in the legal status of women. *J. P. Chamberlain*. *Am. Bar Assoc. Jour.* May, 1925.
- Workmen's Compensation.** Compulsory compensation insurance. *Robert S. Marx*. *Am. Law Rev.* Mar.-Apr., 1925.
- . Workmen's compensation acts under the equal protection and due process clauses. *Ralph H. Petersen*. *Wis. Law Rev.* Apr., 1925.
- . Workmen's compensation acts—occupational diseases. *Roy Moreland*. *Ky. Law Jour.* May, 1925.

## FOREIGN AND COMPARATIVE GOVERNMENT

### *Books*

- Adamovich, Ludwig.* Die österreichische Gemeindegesetzgebung und das Abgabenrecht der Länder und Gemeinden. Pp. xi + 958. Wien: Staatsdruckerei österr. Verl.
- Aldao, Carlos A.* Contribución al estudio del derecho constitucional. Pp. 113. Buenos Aires: Imp. Europea de M. A. Rosas.
- Ambedkar, B. R.* The evolution of provincial finance in British India. London: P. S. King.
- Armstrong, Harold.* Turkey in travail. The birth of a new nation. Pp. xi + 280. London: John Lane.
- Baker, Elizabeth Faulkner.* Protective labor legislation. Longmans.



*Bamber, P. Gordon.* Report of mining cases decided by the railway and canal commission court . . . . Pp. vii + 170. London: Colliery Guardian Co.

*Bauer, Otto.* The Austrian revolution. (Translated by H. J. Stenning.) Pp. 288. London. Leonard Parsons.

*Berkman, A.* The Bolshevik myth (diary 1920-1922). Pp. 319. N. Y.: Boni, Liveright.

*Bernard, Francis.* La liberté de candidature aux assemblées législatives en France et à l'étranger. Pp. 160. Paris: Chauny et Quinsac.

*Bodelsen, C. A.* Studies in mid-Victorian imperialism. Pp. 226. London: Constable.

*Bonnard, Roger.* Précis élémentaire de droit public. Paris: Recueil Sirey.

*Bourgin, Georges, et Henriot, Gabriel.* Procès-verbaux de la commune de 1871. Vol. I. Pp. 608. Paris: Leroux.

*Bourgin, Hubert.* Cinquante ans d'expérience démocratique. Pp. 320. Paris: Nouv. Libr. Nationale.

*Brügel, Ludwig.* Geschichte der österreichischen Sozialdemokratie. Bd. 5. Pp. 463. Wien: Winer Volksbuchh.

*Cambó, Francisco.* En torno del fascismo italiano. Barcelona: Edit. Catalana.

*Chesney, F.* Manuel du président d'assises. Pp. 148. Paris: Société du Recueil Sirey.

*Connolly, Thomas J.* Handbook on the workmen's compensation acts, 1906-1923. Pp. xlii + 752. London: Wm. Hodge.

*Curzon, Marquis.* British government in India. 2 vols. London: Cassell.

*Dávila, Vincente.* Diccionario biográfico de ilustres próceres de la independencia suramericana. Tomo I. Pp. 398. Caracas: Imp. "Bolivar."

*Duguit et Monnier.* Les constitutions et les principales lois politiques de la France depuis 1789. (4<sup>e</sup> ed.) Pp. 689. Paris: Libr. gén. de droit et de juris.

*Dyboski, R.* Outlines of Polish history. Pp. 376. Oxford Univ. Press.

*Escobar, Ismael Bucich.* Historia de los presidentes argentinos. 2 vols. Pp. 249; 281. Buenos Aires: Agencia General de Libreria Publicaciones. 1923.

*Freytagh-Loringhoven, Hr. v.* Die Weimarer Verfassung in Lehre und Wirklichkeit. Pp. 424. Berlin: J. F. Lehmanns Verlag.

*Gandhi, Mahatma.* La jeune Inde. Pp. xxi + 382. Paris: Stock.

*Giraud, Emile.* La crise de la démocratie et les réformes nécessaires du pouvoir législatif. Pp. 236. Paris: Giard.

*Gleispach, Wenzeslaus.* Das österreichische Staatsverfahren. (2 Aufl.) Pp. xvi + 394. Wien: Hölder. Pichler. Tempski.

*Gooch, G. P.* Germany. Pp. 371. Scribner's.

*Green, Alice Stopford.* History of the Irish state to 1914. Macmillan.

*Gwynn, S. L.* Ireland Pp. 252. Scribner's.

*Hauriou, Maurice.* Précis élémentaire de droit constitutionnel. Pp. 317. Paris: Recueil Sirey.

*Hippel, Robert V.* Deutsches Strafrecht. Bd. 1. Pp. xxvi + 605. Berlin: J. Springer.

*Hodges, Frank.* My adventures as a labour leader. Pp. vi + 185. London: Newnes.

*Huline, Edward Maslin.* A history of the British people. Pp. xiii + 717. London: Allen & Unwin.

*Hurd, Archibald.* State socialism in practice. Pp. 234. London: Philip Allan.

"*Iconoclast.*" J. Ramsay MacDonald, 1923-1925. Pp. 191. London: Parsons.

*Jaffé, Grace M.* Le mouvement ouvrier à Paris pendant la révolution française (1789-1791). Paris: Alcan.

*James, Herman G.* Brazil, after a century of independence. Macmillan.

*Johnsen, Oscar Albert.* Norgesveldets undergang, et ultsyn og et opgjør nedgangstiden. Kristiania (Oslo): Aschehoug.

*Kaisenberg, Georg.* Die Wahl des Reichspräsidenten. (2. neubearb. Aufl.) Pp. vii + 77. Berlin: C. Heymann.

*Kramář, Karel.* Die russische Krisis. Geschichte und Kritik des Bolschewismus. (Aus d. Tschech. von Alfred Schebek.) Pp. xvi + 689. München: Duncker & Humblot.

*Langhans, Manfred.* Vom Absolutismus zum Rätefreistaat. Pp. 160. Leipzig: C. L. Hirschfeld.

*Langshaw, Harold.* Socialism and the historic function of liberalism. Pp. xii + 170. London: Cecil Palmer.

*Lawrance, W. T.* Parliamentary representation of Cornwall. Truro: Netherton & Worth.

*Lloyd, E. M. H.* Experiments in state control at the British war office and the ministry of food. Pp. 460. Yale Univ. Press.

*Lumbroso, Giacomo.* La crisi del fascismo. Pp. 162. Firenze: A. Vallecchi.

*MacInnes, C. M.* The British commonwealth and its unsolved problems. London: Longmans.

*MacNeill, J. G. Swift.* Studies in the constitution of the Irish Free State. Pp. xxiii + 244. Dublin: Talbot Press.

*Marriott, J. A. R.* The eastern question; an historical study in European diplomacy. Pp. 576. Oxford Univ. Press.

*Maslowski, Peter.* Was ist die deutsche Zentrumspartei? Klerikalismus und Proletariat. Pp. 131. Berlin: Vereinigung internat. Verlagsanstalten.

*Matter, Paul.* Cavour et l'unité italienne (1848-1856). Pp. 415. Paris: Alcan.

*Meisel, Franz.* Britische und deutsche Einkommensteuer. Pp. viii + 474. Tübingen: Mohr.

*Mondaini, Gennaro.* Manuale di storia e legislazione coloniale del regno d'Italia. Parte II: Legislazione. Pp. vii + 228. Roma: Attilio Sampaolesi.

*N.* Les réformes politiques en France. Pp. 169. Paris: Alcan.

*Olphe-Gailliard, M.* Histoire économique et financière de la guerre (1914-1918). Paris: Rivière.

*Orlando, Vittorio Emanuele.* Principi di diritto costituzionale. (Quinta edizione riveduta ed ampliata.) Pp. 323. Firenze: G. Barbèra.

*Parkhurst, Genevieve.* A king in the making: an authentic story of Edward, seventeenth prince of Wales. Pp. xix + 229. London: Putnam's.

*Pernot, Maurice.* L'expérience italienne. Pp. 260. Paris: Grasset.

*Prélot, Marcel.* La représentation professionnelle dans l'Allemagne contemporaine. Pp. 172. Paris: Spes.

*Preuss, Hugo.* Um die Reichsverfassung von Weimar. Pp. 150. Berlin: Buchverlag Rudolf Mosse.

*Prezzolini, G.* Le fascisme. (Traduit de l'italien par Georges Bourgin.) Pp. 290. Paris: Bossard.

*Robertson, Miss A. J.,* ed. The laws of the kings of England from Edmund to Henry I. Cambridge: Cambridge Univ. Press.

*Schwarz, Otto Georg.* Reichsstaatsrecht, Reichsverwaltungsrecht. Pp. vii + 179 + 27. Berlin: C. Heymann.

*Shah, N. J.* History of Indian tariffs. Pp. xix + 433. Bombay: Thacker & Co.

*Snelling, W. E.* Dictionary of British income tax and supertax practice. N. Y.: Prentice-Hall.

*Solmi, Arrigo.* The making of modern Italy. Pp. xxiii + 231. London: Benn.

Swedish year book, The, 1925. Stockholm: Almqvist & Wiksell Co.

*Sweetman, Edward.* Australian constitutional development. Melbourne: Macmillan.

*Stählin, Karl.* Geschichte Elsass-Lothringens. Pp. 306. München u. Berlin: R. Oldenbourg.

*Tawney, R. H.* The British labor movement. (Institute of Politics Publication.) Yale Univ. Press.

*Troup, Sir Edward.* The home office. (White-Hall Series.) London: Putnam's.

*Valentinov, A. A.,* comp. The assault of heaven. The black book containing official and other information illustrating the struggle against all religion carried on by the communist (soviet) government of Russia. Pp. xxiv + 266. London: Boswell Printing & Pub. Co.

*Valet, René.* L'Afrique du nord devant le parlement au XIX<sup>e</sup> siècle. Pp. 256. Paris: Champion.

*Van der Smissen, Edouard.* Les institutions politiques de la Belgique. Pp. viii + 261. Liège: Impr. Desoer.

*Vermeil.* L'Allemagne contemporaine 1919-1924. Pp. 248. Paris: F. Alcan.

*Wallace, David Duncan.* The government of England. (Second ed.) Pp. ix + 391. Putnam's.

*Weber, Alfred.* Die Krise des modernen Staatsgedankens in Europa. Pp. 173. Stuttgart: Deutsche Verlags-Anstalt.

*Williams, L. F. Rushbrook.* India in 1923-24. A statement for the British government. Pp. 368. Director of Public Information, Govt. of India.

"X7." The return of the kings. Facts about the conspiracy for the restoration of monarchy in central Europe. Pp. 222. London: Eveleigh Nash.

*Young, J. P.* Central American currency and finance. Pp. 276. Princeton Univ. Press.

*Zanobini, Guido.* Le sanzioni amministrative. Pp. vii + 202. Torino: fratelli Bocca (V. Bona).

## Articles

**Albania.** Albania's latest revolution. *G. M. Panarity*. *Current Hist.* Apr., 1925.

**American Revolution.** Party politics and the British Empire. *Clarence W. Alvord*. *Nine. Cent.* Mar., 1925.

———. Politics in the revolution. *Clarence W. Alvord*. *Am. Mercury*. June, 1925.

**Australia.** Le commonwealth of Australia et le dominion of New Zealand. *René Le Conte*. *Rev. Droit Pub. et Sci. Pol.* Jan.-Mar., 1925.

———. An experiment in socialism. *F. A. W. Gisborne*. *Quar. Rev.* Apr.

———. Arbitration in Australia. *F. A. W. Gisborne*. *Edin. Rev.* Apr.

———. The taxation of unimproved land in Australia. *H. Heaton*. *Quar. Jour. Econ.* May, 1925.

———. Australian labor government after ten years. *E. G. Theodore*. *Current Hist.* June, 1925.

**Austria.** Der Kampf zwischen Reichskanzlei und österreichischer Hofkanzlei um die Führung der auswärtigen Geschäfte. *Lothar Gross*. *Hist. Vierteljahrschrift*. Dec., 1924.

**Belgium.** The struggle for power in Belgium. *Thomas Greenwood*. *Contemp. Rev.* Mar., 1925.

———. La situation politique en Belgique. *Hermann Dumont*. *Rev. Pol. et Parl.* Mar., 1925.

———. L'unité de la Belgique en péril. *Gérard Harry*. *La Grande Rev.* Mar., 1925.

———. La dissolution du parlement belge et les prochaines élections législatives. *V<sup>te</sup> Henri Davignon*. *Le Correspondant*. Mar. 10, 1925.

———. Compulsory voting in Belgium. *Thomas H. Reed*. *Nat. Mun. Rev.* June, 1925.

**Bolivia.** Las personas jurídicas en la legislación boliviana. *Julio Salmón*. *Rev. Gen. Legis. y Juris.* Apr., 1925.

**British Empire.** Le relazioni tra l'Inghilterra e i dominions. *Francesco Lamberti*. *Politica*. Jan.-Feb., 1925.

———. The constitution of Malta. *C. J. Colombos*. *Notes on imperial constitutional law*. *A. Berriedale Keith*. *Jour. Comp. Legis. and Int. Law*. Feb., 1925.

———. Imperial unity. *Sir George Foster*. *Nine. Cent.* Mar., 1925.

———. The dominions and their mother country. *Courtney Kenny*. *Cambridge Law Jour.* Vol. II, No. 2 (1925).

———. The constitutional claims of the British West Indies. *Robert L. Schuyler*. *Pol. Sci. Quar.* Mar., 1925.

———. Will the empire hold together? *Harold Spender*. *Contemp. Rev.* Apr., 1925.

———. Britain's changing empire. *Raymond Leslie Buell*. *Current Hist.* Apr., 1925.

———. Summary of legislation. *Cecil T. Carr* and others. *Jour. Comp. Legis. and Inter. Law*. May, 1925.

**British Empire.** An early proposal for the federation of British North America. *R. G. Trotter*. *Canadian Hist. Rev.* June, 1925.

**Bulgaria.** The making of Bulgaria. *William A. Gauld*. *History*. Apr., 1925.

**Canada.** The privy council and the Canadian constitution. *Berriedale Keilh.* *Jour. Comp. Legis. and Int. Law*. Feb., 1925.

———. The political situation in Canada. *J. A. Stevenson*. *Edin. Rev.* Apr., 1925.

———. Canada turns against prohibition. *Richard de Brisay*. *Nation*. Apr. 22, 1925.

———. Canada's national railway experiment. *D. M. Le Bourdais*. *Canada reaping a harvest from liquor business*. *W. J. McNulty*. *Current Hist.* Apr., June, 1925.

———. Problems occasioned by ministerial government within the federal state of Canada. *H. J. Pearce, Jr.* *Canadian Hist. Rev.* June, 1925.

**China.** China's Oliver Cromwell—General Feng. *Y. Shimidzu*. *Industrial awakening of China*. *A. Percival Finch*. *Current Hist.* May, June, 1925.

**Civil Service.** The civil service in the modern state. *Herman Finer*. *Am. Pol. Sci. Rev.* May, 1925.

**Colombia.** The historical personality of the republic of Colombia (*conclusion*). *Carlos Garcia Prada*. *Inter-America*. Apr., 1925.

**Czechoslovakia.** The charm of Czechoslovakia. *Fred. H. Rindge, Jr.* *Current Hist.* June, 1925.

**Denmark.** Politisk Tankelasning og Fjaernsyn. *One Rode*. *Tilskueren*. Apr., 1925.

———. The Danish solution of the poor relief problem. *Edith Sellers*. *Nine. Cent.* Apr., 1925.

**Dutch East Indies.** Les Indes Néerlandaises. *G. Angoulvant*. *Rev. Pol. et Parl.* Feb., 1925.

**Elections.** Política americana e política inglese. *Un Americano*. *Politica*. Jan.-Feb., 1925.

**Europe.** Ce que pense jeunesse européenne. II. Italie. *B. Mosca*. *Rev. Sci. Pol.* Jan.-Mar., 1925.

———. European literature and legislation. *Am. Bar Assoc. Jour.* Apr.

———. Central and eastern Europe in 1924. *Malbone W. Graham*. *Am. Pol. Sci. Rev.* May, 1925.

**Finances.** Les finances des états européens depuis la guerre. I. Pologne. *A. de Chalendar*. II. Hongrie. *E. de Szazy*. *Rev. Sci. Pol.* Jan.-Mar., 1925.

———. Les charges fiscales en France et en Angleterre. *Jean-François Aris*. *Rev. Pol. et Parl.* Apr., 1925.

**Finland.** Prohibition crisis in Finland. *Johannes Ohquist*. *Current Hist.* June, 1925.

**France.** L'organisation professionnelle ouvrière en France. *Antoine de Tarlé*. *Rev. Deux Mondes*. Apr. 1, 1925.

———. Souvenirs du ministère du duc de Richelieu. *Comte Malé*. *Rev. de Paris*. Apr. 15, 1925.

———. Paul-Louis Courier et la liberté de la presse. *Louis Desternes*. *Nouvelle Rev.* Apr. 15, 1925.

France. French naval policy and its reactions. *Hector C. Bywater*. *Atlan.* M. May, 1925.

———. Alsace-Lorraine. Le nouveau régime successoral des trois départements recouvrés. *Fernand Auburtin*. *Rev. Pol. et Parl.* Jan., 1925.

———. La réadaptation de l'Alsace. *Georges Delahache*. *Rev. de Paris.* Mar. 15, 1925.

———. Alsace-Lorraine under French rule. *Lloyd Morris*. *Forum.* May.

———. Finances. La situation monétaire. *Edgard Allix*. Les revenus du capital en France. XXX. Les dépenses et les recettes dans le budget de la France (1814-1924). *Du Chassin*. Les dispositions douanières de la loi de finances de 1925. *Edouard Nèron*. La vie chère et les taxes de consommation. *Edgard Allix*. La banque d'état du Maroc. *Robert Doucet*. L'impôt sur les bénéfices industriels et commerciaux. *Marcel Lecercle*. Le gouvernement et les compagnies de chemins de fer. *Georges Allix*. Entrons-nous dans une crise économique? XXX. Les conditions du salut financier. *Jacques Rueff*. Les finances publiques de la France et la fortune privée (1914-1925). *Edgard Allix*. *Rev. Pol. et Parl.* Jan., Feb., Mar., Apr., 1925.

———. Le problème monétaire et le français moyen. *Victor Boret*. *Nouvelle Rev.* Mar. 15, 1925.

———. Taxes and salaries in France. *Philip Carr*. *Edin. Rev.* Apr.

———. Un budget de destruction. *René Lafarge*. *Rev. de Paris.* Apr. 1.

———. American misinformation about the tax burden borne by the French people. *Arthur Richmond Marsh*. *Econ. World.* May 16, 1925.

———. Government. De la compétence du conseil de préfecture en matière d'assistance aux vieillards, aux infirmes et aux incurables. *Albert Roux*. *Rev. Gén. d'Admin.* Jan.-Feb., 1925.

———. Enquête sur les réformes sociales à réaliser par la présente législature. *André Gayot*. *La Grande Rev.* Jan., Feb., 1925.

———. La question des économies, les simplifications et réformes administratives. *A. Guillois*. *Rev. Droit Pub. et Sci. Pol.* Jan.-Mar., 1925.

———. Politics. Le pèlerinage de M. Briand. *Léon Krajewski*. *Rev. Pol. et Parl.* Mar., 1925.

———. Can Caillaux return to power? *Raymond Recouly*. *World's Work.* Apr., 1925.

———. Die Stellung des Präsidenten der französischen Republik und die Bedeutung der Präsidentenkrise von 1924. *Hans Gmelin*. *Archiv. Öffent. Rechts.* No. 1/2, 1925.

———. Les échéances du gouvernement. *André Chaumeix*. *Rev. de Paris.* Apr. 15, 1925.

———. La crisi in Francia. *Victor*. *Nuova Antologia.* Apr. 16, 1925.

———. The war between church and state in France. I. In behalf of the state. *Charles Guignebert*. II. In behalf of the church. *Georges Goyau*. *Current Hist.* May, 1925.

———. Journal d'un parlementaire. *Édouard Millaud*. *Rev. Mondiale.* May 1, 1925.

———. Caillaux. *Major J. H. Thomas*. *Atlan. M.* June, 1925.

———. Caillaux's opportunities. *Alzada Comstock*. *Rev. of Revs.* June.

Germany. Die Zukunft der deutschen Demokratie. *Leo Wittmayer*. Zeitschrift gesamte Staatwissenschaft. No. 1, 1925.

———. La constitution de l'état libre de Bavière du 14 août 1919. *M. Laferrière*. Rev. Droit Pub. et Sci. Pol. Jan.-Mar., 1925.

———. La situation économique de l'Allemagne en 1925. *Georges Blondel*. Rev. Deux Mondes. Feb. 15, 1925.

———. The horizon in Germany. "Onlooker." Contemp. Rev. Mar., 1925.

———. Nationalökonomische Sozialpolitik. *Robert Wilbrandt*. Der Reichspräsident. *Samuel Saenger*. Neue Rundschau. Mar., Apr., 1925.

———. Der erste Präsident der deutschen Republik. *Paul Kampffmeyer*. Deutsche und preussische Regierungsprobleme. *Max Cohen*. Der 2. Wahlgang. *Carl Severing*; Der Niedergang der Kommunistischen Partei Deutschlands. *Paul Kampffmeyer*. Sozialistische Monatshefte. Mar., Apr., 1925.

———. The regeneration of Germany. Quar. Rev. Apr., 1925.

———. Germany from within. The German elections and after. *Frank H. Simonds*. Rev. of Revs. Apr., June, 1925.

———. La renaissance militaire de l'Allemagne. I. L'armée régulière et les armements clandestins. II. Le potentiel de la nation. . . . Le Correspondant. Apr. 10, 25, 1925.

———. Continuité de la politique de l'Allemagne. *L. Dumont-Wilden*. Rev. Bleue. Apr. 18, 1925.

———. Bavaria and the republic. *E. J. Gumbel*. Friedrich Ebert. *H. J. Kalesik*. Fort. Rev. Apr., May, 1925.

———. "Einmaligkeit" und "gleicher Anlass" bei der Reichstagsauflösung nach Art. 25 der Reichsverfassung. *Carl Schmitt*. Die Behandlung von Beweis- anträgen vor parlamentarischen Untersuchungsausschüssen nach der preussische Verfassung. *Hr. Lucas*. Verfassung und Richter. *E. Theisen*. Verkündung und Inkrafttreten der Rechtsverordnungen des Reichs. *Friedrich Schiller*. Gebiet, Gebietsveränderungen und Grenzzeichen nach der Reichs und der badi- schen Verfassung. *Wilhelm Merk*. Archiv. Offent. Rechts. Nos. 1/2, 3, 1925.

———. The reichstag elections. *Elmer D. Graper*. Am. Pol. Sci. Rev. May, 1925.

———. What next in Germany? *Frank H. Simonds*. New Repub. May 27, 1925.

———. Germany and modern civilization. *Reinhold Niebuhr*. Atlan. M. June, 1925.

———. The German presidential election. *Herbert F. Wright*. Catholic World. June, 1925.

———. Germany's new financial system. *Rudolf Clemen*. Econ. World. June 6, 1925.

Great Britain. L'école unique et l'enseignement secondaire en Angleterre. *Lucien Schwab*. Rev. Pol. et Parl. Feb., 1925.

———. Economic Policy. British taxation of foreign firms. *Guerra Everett*. Georgetown Law Jour. Jan., 1925.

———. Would socialism starve us? *Archibald Hurd*. The trade disputes act in the light of experience. "Nomad." Strangled British industries: counsels of despair. *Archibald Hurd*. Fort. Rev. Mar., Apr., May, 1925.

- Great Britain.** Treasury grants to social services. *W. M. J. Williams.* The industrial outlook. *C. A. McCurdy.* Empire settlement and unemployment. *W. Harbutt Dawson.* *Contemp. Rev.* Apr., May, 1925.
- . Our industrial position. *John R. Remer.* *Nine. Cent.* May, 1925.
- . The new social insurance scheme proposed by the British government. *Winston Churchill.* *Econ. World.* May 23, 1925.
- . Government. Le cabinet de guerre anglais—1916-1919. *A. Lefas.* *Rev. Sci. Pol.* Jan.-Mar., 1925.
- . The seventeenth and eighteenth century privy council in its relations with the colonies. *H. E. Egerton.* *Jour. Comp. Legis. and Int. Law.* Feb.
- . Chirographs: their place in the history of the constitution of Scotland. *Thomas Miller.* *Jurid. Rev.* Mar., 1925.
- . The problem of a second chamber. *Sir John Marriott.* *Fort Rev.* Mar., 1925.
- . The function of the crown. *G. L. Hagen.* *Law Quar. Rev.* Apr.
- . The origin of the crown agency office. *Miss Lillian M. Penson.* *Eng. Hist. Rev.* Apr., 1925.
- . Decentralization. *Sir Charles Harris.* *Jour. Pub. Admin.* Apr.
- . Politics. Electoral reform and organized Christianity in England. *W. G. H. Cook.* *Pol. Sci. Quar.* Mar., 1925.
- . Liberal reorganisation. *W. M. R. Pringle.* The decadence in the performance of civic duty. *F. W. Soutter.* The political levy bill. *Wedgwood Benn.* *Contemp. Rev.* Mar., Apr., 1925.
- . The conservative opportunity. *W. Permewan.* Wise men of the labour party. *James Corbett.* Lord Curzon of Kedleston. *Sir J. A. R. Marriott.* *Fort. Rev.* Mar., Apr., May, 1925.
- . The labour party and the trade unions. *F. G. Stone.* *Nine. Cent.* Mar., 1925.
- . New old England. *Frank H. Simonds.* *Rev. of Revs.* Apr., 1925.
- Greece.** L'avènement de la dynastie danoise en Grèce, 1862-1863. *Michel Lhéritier.* *Rev. Hist.* Mar.-Apr., 1925.
- Hungary.** La tragique histoire de Charles I<sup>er</sup>—Première tentative en Hongrie. *Testis.* *Le Correspondant.* Mar. 10, 1925.
- . Count Karolyi's exposure of Hungary's despotic rule. *Emil Lengyel.* *Current Hist.* May, 1925.
- . The technique of reconstruction as applied to Hungary. *Alzada Comstock.* *Pol. Sci. Quar.* June, 1925.
- India.** Lord Elgin in India, 1862-63. *J. L. Morison.* *Cambridge Hist. Jour.* No. 2, 1924.
- . Indian unrest. (1) *Sir Theodore Morison.* (2) *Sir Michael O'Dwyer.* Caste in India. *Cornelia Sorabji.* India and its languages. *Sir George A. Grierson.* *Nine. Cent.* Mar., Apr., May, 1925.
- . Anglo-Indians and their communal claims. The disease of Indian dyarchy. *Lord Olivier.* *Contemp. Rev.* Apr., May, 1925.
- Iraq.** The constitution of Iraq. *Nigel G. Davidson.* *Jour. Comp. Legis. and Int. Law.* Feb., 1925.
- Ireland.** Réorganisation judiciaire dans l'état libre d'Irlande. *Hugh Kennedy.* *Bull. Mens. Légis. Comp.* Oct.-Dec., 1924.



- Ireland. The remaking of Ireland. *Bolton C. Waller*. *Current Hist.* Apr.
- . The case of Roger Casement. *Lord Birkenhead*. (*London Mag.*) *Lw. Agc.* Mar. 28, 1925.
- . Irish dreams and realities. "Macdara." *Fort. Rev.* Apr., 1925.
- Italy. Le fascisme. *Jean Signorel*. *La Grande Rev.* Jan., Feb., 1925.
- . New phases in the Italian struggle. *Charles Edward Russell*. *Century.* Apr., 1925.
- . Italian fascism developing a new phase. *Carleton Beals*. *Current Hist.* May, 1925.
- . Italy under Mussolini. *Sir Philip Gibbs*. *World's Work.* June.
- Japan. Japanese women's battle for social reform. *Baroness Ishimoto*. *Current Hist.* Apr., 1925.
- Jugoslavia. The economic development of Yugo-Slavia. *Dudley Heathcote*. The Serbian state: some internal problems. *Sir Edward Boyle*. *Fort. Rev.* Mar., May, 1925.
- . Yugoslav electoral triumph for conservatism. *Gordon Gordon-Smith*. *Current Hist.* Apr., 1925.
- Labor Governments. Labor governments and the social revolution. *J. R. Le Rossignol*. *Am. Econ. Rev.* June, 1925.
- Latin America. Latin-American legislation. *Am. Bar. Assoc. Jour.* Apr., 1925.
- Mexico. Lettres de Charlotte impératrice du Mexique. *C<sup>esse</sup> de Reinach Foussemagne*. *Rev. Deux. Mondes.* Feb. 15, 1925.
- . How Mexico is solving her Indian problem. *Leopoldo Ortiz*. *Inter-America.* Apr., 1925.
- . Mexican peasant struggle for land reform. *William English Walling*. *Current Hist.* Apr., 1925.
- Persia. Persia and her premier. *Robert Mackray*. *Fort. Rev.* Apr., 1925.
- Roumania. The development of Roumania. *Dudley Heathcote*. *Contemp. Rev.* Apr., 1925.
- Russia. La constitution de l'état de l'U. R. S. S. *B. Mirkine-Guetzevitch*. *Rev. Droit Pub. et Sci. Pol.* Jan.-Mar., 1925.
- . La politica di Zinovieff. *Politica.* Jan.-Feb., 1925.
- . La faillité de la métaphysique bolchéviste. *I. Serge de Chessin*. *Rev. Deux Mondes.* Feb. 15, 1925.
- . Trotsky. *Edwin W. Hullinger*. *Fort. Rev.* Mar., 1925.
- . Trotsky, the heretic. *Lancelot Lawton*. The meaning of bolshevism. "Spectator." *Contemp. Rev.* Mar., May, 1925.
- . Les origines de la Russie historique. II. *N. Brian-Chaninov*. *Revue Questions Historiques.* Apr., 1925.
- . L'enseignement public au pays des soviets. *J. Lescoffier*. *Rev. Pol. et Parl.* Apr., 1925.
- . Banking reform in Russia. *Alexis Goldenweiser*. *Jour. Pol. Econ.* Apr., 1925.
- . The communist at close range. *Avrahn Yarmolinsky*. *World's Work.* May, 1925.
- . The relentless trend of events in soviet Russia. *A. J. Sack*. Who's who in soviet Russia. *Louis Fischer*. New ideas and ideals in soviet Russia. *Avrahn Yarmolinsky*. *Current Hist.* May, June, 1925.

**South Africa.** South Africa white or black? *P. A. Silburn.* Fort. Rev. May, 1925.

**Spain.** The awakening of Spain. Quar. Rev. Apr., 1925.

———. The dictatorship in Spain. *Abbé Alphonse Lugan.* Current Hist. June, 1925.

**Sweden.** The alcohol question in Sweden. *Einar Rosenborg.* Nine. Cent. May, 1925.

**Turkey.** La crise de l'autorité religieuse et le califat en Islam. *L. Massignon.* Rev. Sci. Pol. Jan.-Mar., 1925.

———. The new constitution of Turkey. *Edward Mead Earle.* Pol. Sci. Quar. Mar., 1925.

———. Constantinople and Angora. *George Young.* Contemp. Rev. May.  
**West Indies.** American influence in the West Indies. *R. A. McGowan.* Catholic World. May, 1925.

## INTERNATIONAL RELATIONS

### Books

*Aboussouan.* Le problème politique syrien. Pp. 324. Paris: Chauny et Quinsac.

*Adams E. D.* Great Britain and the American civil war. 2 vols. London: Longmans.

*André, Roger.* L'occupation de la France par les alliés en 1815. Paris: Boccard.

*Ashley, Percy.* Twice fifty years of Europe, 1814-1914. A sketch of political development. Pp. 310. London: Collins.

*Aubert, Louis.* The reconstruction of Europe: its economic and political conditions. Yale Univ. Press.

*Becker, Jerónimo.* Historia de las relaciones exteriores de España durante el siglo XIX. Tomo I., 1800-1839. Pp. 812. Madrid: Jaime Ratés.

*Bittner, Ludwig.* Die Lehre von den Völkerrechtlichen Vertragsurkunden. Pp. xiv + 316. Stuttgart; Deutsche Verlagsanstalt.

*Brière, Yves de la.* L'organisation internationale du monde contemporain et la papauté souveraine. Pp. 319. Paris: Spes.

*Buell, Raymond L.* International relations. Holt.

*Buell, Raymond Leslie.* The international opium conferences; with relevant documents. Pp. 39-194. World Peace Foundation Pamphlets, vol. VIII, nos. 2-3 (1925).

*Butler, Sir Goeffrey.* A handbook to the league of nations. (New and enl. ed.) London: Longmans.

*Cavanagh, William Henry.* Colonial expansion. Boston: Richard Badger.

*Chiról, Sir Valentine, Tsurumi, Yusuke, and Salter, Sir James Arthur.* The reawakening of the orient. (Institute of Politics Publication.) Yale Univ. Press.

*Culbertson, William S.* International economic policies. Appleton.

*Dawes, Rufus C.* The Dawes plan in the making. Indianapolis: Bobbs-Merrill.

*Donald, Sir Robert.* A danger spot in Europe and its government by the league of nations. Pp. 166. London: Parsons.

*Driault, E., et Lhéritier, M.* Histoire diplomatique de la Grèce de 1821 à nos jours. T. 2. Pp. xv + 498. Paris: Les Presses Universitaires.

*Edmunds, S. E.* The lawless law of nations. Washington: John Byrne Co.

*Ewart, John S.* The roots and causes of the war (1914-1918). 2 vols. Pp. 1, 204. Doran.

*Fairchild, H. P.* Immigration; a world movement and its American significance. Pp. 531. Macmillan.

*Fittbogen Gottfried.* Die französischen Schulen im Saargebiet. Pp. 122. Berlin: R. Hobbing.

*Garner, James Wilford.* Recent developments in international law. (Tagore Law Lectures, 1922). Pp. xii + 840. Calcutta: Univ. of Calcutta.

*Gibbs, Philip.* Ten years after. Doran.

*Goodman, Nathan Gerson.* Diplomatic relations between England and Spain. Philadelphia: Westbrook Pub. Co.

*Granfelt, Helge.* Das Dreibundsystem, 1879-1916. Vol. I; Vom Zweibund bis zum Sturze Bismarcks. Pp. xxii + 416. Stockholm: Privately printed.

*Lasturec, Pierre.* L'affaire gréco-italienne de 1923. Paris: L'Île de France.

*Liggett, Hunter.* In command of American armies: recollections of the world war. Houghton Mifflin.

*Matsunami, N.* Immunity of state ships. Pp. xv + 208. London: Richard Flint & Co.

*Mettgenberg, Wolfgang.* Die Verträge mit der Tschechoslowakei über Rechtshilfe in Strafsachen. Heft 1. Pp. viii + 168. Mannheim: J. Bensheimer.

*Hall, N. F., and others.* The next war. Pp. 108. Harvard Alumni Bulletin Press.

*Harris, H. Wilson.* What the league of nations is. Pp. 125. London: Allen & Unwin.

*Karolyi, Count Michael.* Fighting the world; the struggle for peace. Pp. 464. N. Y.: A. & C. Boni.

*Klotz, L. L.* De la guerre à la paix: souvenirs et documents. Pp. 254. Paris: Payot.

*Moon, Parker T.* Imperialism and world politics. Macmillan.

*Moreau, Louis.* La campagne "innocentiste" en Allemagne et le traité de Versailles. Paris: Alfred Costes.

*Moukhtar Pasha, M.* La Turquie, l'Allemagne, et l'Europe depuis le traité de Berlin jusqu'à la guerre mondiale. Pp. 311. Paris: Berger.

*Nag, Kâlidâs.* Étude sur les origines du droit et des relations diplomatiques hindous. Pp. 190. Paris: Maisonneuve Frères.

*Nicoglou, Stéphan.* L'affaire de Corfou et la société des nations. Pp. 128. Paris: F. Mettray et A. Dugrivel.

*Oliver, E. M.* The world's industrial parliament. London: Allen & Unwin.

*Peyronnet, Raymond.* Le problème nord-africain. T. 1. Paris: Peyronnet.

*Pinero, Norberto.* La política internacional. Buenos Aires: J. Menendez.

*Reichwein, A.* China and Europe. Pp. 174. Knopf.

*Relyea, Pauline S.* Diplomatic relations between the United States and Mexico under Porfirio Diaz, 1876-1910. Pp. 91. Northampton (Mass.): Smith College.

*Renaut, Francis P.* Les provinces-unies et la guerre d'Amérique 1775-1785. T. 1<sup>re</sup>: De la neutralité à la belligérance, 1775-1780. Pp. 430. Paris: Li Graouli.

*Renouvin, Pierre,* Les origines immédiates de la guerre. Pp. 294. Paris: A. Costes.

*Ristelhueber, René.* Les traditions françaises au Liban. Pp. 336. Paris: Alcan.

*Rivas, Carlos J. Arangua.* La intervención, doctrinas de Monroe, Drago y Tobar. Pp. 238. Santiago de Chile: Imp. "La Sud América."

*Rodkey, F. S.* The Turco-Egyptian question in the relations of England, France and Russia 1832-1841. (Univ. of Ill. Studies in the Social Sciences.) 2 vols. Pp. 274. Urbana (Ill.): Univ. of Ill. Press.

*Salvemini, Gaetano.* Dal patto di Londra alla pace di Roma. Torino: Gobetti.

*Savoy, Prew.* La question japonaise aux États-Unis. Paris: Boccard.

*Schäfer, Dietrich.* Osteuropa und wir Deutschen. Pp. 191. Berlin: O. Elsners Verlagsgesellschaft.

*Seillière, E.* Les pangermanistes d'après-guerre. Pp. 164. Paris: Alcan.

*Temperley, Harold.* The foreign policy of Canning. Pp. xxiv + 636. London: Bell.

*Verzigt, J. H. W.* Le droit des prises de la grande guerre. La Haye: Institut Intermédiaire International (A. W. Sijthoff.)

*Williams, Roth.* The league, the protocol, and the empire. Pp. 174. London: Allen & Unwin.

*Willoughby, W. W.* Opium as an international problem: the Geneva conferences. Baltimore: Johns Hopkins Press.

*Worsfold, W. Basil.* Palestine of the mandate. Pp. xii + 275. London: T. F. Unwin.

#### Articles

**Africa.** Franco-British rivalries in tropical Africa. *Clinton S. Burr.* Current Hist. June, 1925.

**Alliances.** The birth of the European system of alliances. *E. N. Johnson.* Hist. Outlook. Apr., 1925.

———. Der Ideengehalt des "Metternischen Systems." *Heinrich Ritter von Srbik.* Hist. Zeitschrift. No. 2, 1925.

**American Foreign Policy.** The United States in Europe. Portents of American expansion. *J. D. Whelpley.* Fort. Rev. Mar., May, 1925.

———. America's Pacific manoeuvres. *Mizuno Hironori.* (Japan Weekly Chronicle) Liv. Age. Apr. 11, 1925.

———. Shall America arm? I. Peace by armed might. *William L. Rodgers.* II. Peace by coöperation. *Tasker H. Bliss.* Forum. May, 1925.

———. America and internationalism. *John A. Hobson.* Nation. May 27.

———. The American contribution to European peace. New Repub. June 17, 1925.

**Anglo-Norwegian Relations.** Finmarek in British diplomacy, 1836-1855. *Paul Knaphund.* Am. Hist. Rev. Apr., 1925.

**Balkans.** The true situation in the Balkans. *Frederick Horner*. Balkan unrest a menace to world peace. *F. Horner*. *Current Hist.* Apr., May, 1925.

———. The exchange of populations in the Balkans. *A. A. Pallis*. *Nine Cent.* Mar., 1925.

**Baltic.** La conferenza di Helsingfors. *Luigi Rovani*. *Politica*. Jan.-Feb.

———. La nuova offensiva bolscevica russa nel Baltico Orientale. *Manfredi Gravina*. *Rassegna Italiana*. Mar., 1925.

**Berlin-to-Bagdad Railway.** Berlin-to-Bagdad dream today's reality. *G. A. Schreiner*. *Current Hist.* June, 1925.

**British Foreign Policy.** British foreign policy. "*Augur*." *Fort. Rev.* Apr.

———. British policy and the balance of power. *Sir Esme Howard*. *Am. Pol. Sci. Rev.* May, 1925.

**China.** The most favored nation clause in China's treaties (*concluded*). *V. S. Phen*. *Chinese Soc. and Pol. Sci. Rev.* Apr., 1925.

———. Extraterritoriality in China. *R. Y. Lo*. *Chinese Soc. and Pol. Sci. Rev.* Apr., 1925.

**Conciliation.** Le traité de conciliation et de règlement judiciaire entre l'Italie et la Suisse. *Giulio Diena*. *Rev. Droit Int. et Légis. Comp.* No. 1-2, 1925.

**Concordat.** Le concordat en Alsace-Lorraine. *Henri Puget*. *Rev. Pol. et Parl.* Feb., 1925.

———. Die bayerischen Konkordate von 1924. *K. Rothenbücher*. *Archiv. Öffent. Rechts.* No. 3, 1925.

**Congress of Berlin.** Il conte corti al congresso di Berlino. *Egone Cesare Conte Corti alle Catene*. *Nuova Antologia*. Apr. 16, 1925.

**Danzig.** Poland and Dantzig: the case of Poland. *Ludwik Ehrlich*. *Nine Cent.* Apr., 1925.

**Diplomacy.** British policy in the publication of diplomatic documents under Castlereagh and Canning. *C. K. Webster* and *H. W. V. Temperley*. *Cambridge Hist. Jour.* No. 2, 1924.

———. Souvenirs de mon ambassade à Londres. *C<sup>te</sup> de Sainte-Aulaire*. Les entretiens diplomatiques. *André Chaumeix*. *Rev. de Paris*. Mar. 15, Apr. 1, 1925.

———. The old diplomacy and the new democracy. *Sir J. A. R. Marriott*. *Edin. Rev.* Apr., 1925.

———. New Page letters. I. An American diplomat at the court of St. James. Edited by *Burton J. Hendrick*. *World's Work*. June, 1925.

**Disarmament.** Désarmement. *Victor Augagneur*. *Rev. Mondiale*. Apr. 15, 1925.

**Egypt.** Le conflit anglo-égyptien et la société des nations. *Charles de Visser*. *Rev. Droit Int. et Légis. Comp.* No. 6, 1924.

———. What Great Britain has done and purposes doing in Egypt. *Sir Reginald Hoskins*. *Econ. World*. Apr. 11, 1925.

———. What about Egypt? *Sir Philip Gibbs* *World's Work* May, 1925.

**Enemy Property.** Sequestered private property and American claims—the treaties of Versailles and Berlin. *Edwin M. Borchard*. War seizures by the British government of German owned stock in American corporations. *Frederic R. Coudert*. *Am. Jour. Int. Law*. Apr., 1925.

**Entente.** La diplomatie française doit-elle regretter le cabinet travailliste anglais? *Jacques Bardoux*. *Le Correspondant*. Feb. 10, 1925.

———. Esquisse d'une entente franco-anglaise. \* \* \* *Rev. Deux Mondes*. Mar. 15, 1925.

**Europe.** Europe, 1914-1925. *Lord Thomson*. *Current Hist.* Apr., 1925.

**Extradition.** Extradition. *C. R. Magone*. *Canadian Bar. Rev.* Apr., 1925.

**France and Prussia.** La reprise des relations entre la France et la Prusse en 1814: la mission du comte de Caraman. *E. Le Marchand*. *Revue Questions Historiques*. Jan., 1925.

**Franco-American Relations.** L'amitié franco-Américaine en 1925. II. L'art de se connaître et de s'estimer entre nations (*fin*). *Bernard Faij*. *Le Correspondant*. Feb. 10, 1925.

**Geneva Protocol.** Le protocole de Genève. *Raf. Erich*. Les "amendements japonais" au protocole de Genève. *Dr. Adatci*. Quelques remarques sur le protocole de Genève. *Hans Wehberg*. *Rev. Droit Int. et Légis. Comp.* No. 6, 1924.

———. L'abandon du protocole de Genève par l'Angleterre. *Joseph Barthélemy*. *Rev. Pol. et Parl.* Mar., 1925.

———. Mr. Austen Chamberlain on Europe's progress towards secure peace. *Arthur Richmond Marsh*. *Econ. World*. Mar. 28, 1925.

———. The Geneva protocol. *Philip Marshall Brown*. *Am. Jour. Int. Law*. Apr., 1925.

———. Au lendemain de l'assemblée de Genève: reflexions sur la politique de M. Aristide Briand. *Robert Chabré*. *Rev. Bleue*. Apr. 18, 1925.

**German Policy.** L'Allemagne peut-elle préparer et déclancher une guerre de revanche. *Commandant H. V.* *Rev. Pol. et Parl.* Feb., 1925.

———. Die deutsche Aussenpolitik von 1890-1898. *Paul Haake*. *Forschungen zur Brandenburgischen u. Preussischen Geschichte*. Vol. 37, no. 1.

———. The Cowes interview and the Kruger telegram. *Raymond J. Sontag*. *Pol. Sci. Quar.* June, 1925.

———. Germany and the guaranty pact. *Frank H. Simonds*. *New Repub.* June 17, 1925.

**Greenland.** Dano-Norwegian conflict over Greenland. *Paul Knaplund*. *Am. Jour. Int. Law*. Apr., 1925.

**Grotius.** Grotius, *De Jure Belli ac Pacis*: a bibliographical account. *Jesse R. Reeves*. *Am. Jour. Int. Law*. Apr., 1925.

———. Hugo Grotius—founder of international law. *H. G. H. Van Der Mandere*. *Current Hist.* June, 1925.

**Holy Alliance.** The *Dreikaiserbündnis* and the eastern question. *William A. Gauld*. *Eng. Hist. Rev.* Apr., 1925.

**International Court of Justice.** Les décisions de la cinquième session ordinaire de la cour permanente de justice internationale. *Paul de Vineuil*. *Rev. Droit Int. et Légis. Comp.* No. 1-2, 1925.

———. Algunas consideraciones sobre la función del tribunal de justicia internacional. *Maz Huber*. *Rev. Gen. Legis. y Juris.* Mar., 1925.

———. Opinions of the international courts. *Manley O. Hudson*. *Am. Bar Assoc. Jour.* May, 1925.

**International Court of Justice.** Do Americans want the world court? *Marguerite Logan Bentley*. Rev. of Revs. June, 1925.

**International Disputes.** The classification of international disputes. *Philip Marshall Brown*. Pa. Law Rev. Mar., 1925.

**International Law.** La nation d'objet en droit international et son rôle pour la construction juridique de cette discipline. *Alexandre Goroutsev*. Rev. Droit Int. et Légis. Comp. No. 1-2, 1925.

———. I soggetti del diritto internazionale (*Continua*). *A. Cavaglieri*. Riv. Diritto Int. Jan.-Mar., 1925.

———. Die gesellschaftswissenschaftlichen Grundlagen der Völkerrechtstheorie. *Alfred Verdross*. Archiv. Rechts-u. Wirtschaftsphilosophie. Vol. 18, no. 3.

———. International Law. *George W. Wickersham*. W. Va. Law Quar. Feb., 1925.

———. International law and moral ideals. *A. Pearce Higgins*. Contemp. Rev. Mar., 1925.

———. International law and national law in the United States. *Pitman B. Potter*. Some observations on the codification of international law. *James W. Garner*. The codification of American international law. *James Brown Scott*. Am. Jour. Int. Law. Apr., 1925.

———. The modernization of international law. *George Grafton Wilson*. Am. Pol. Sci. Rev. May, 1925.

**International Tribunals.** La compétence des tribunaux internationaux (1<sup>re</sup> partie.). *Frede Castberg*. Rev. Droit Int. et Légis. Comp. No. 1-2, 1925.

———. Brutum fulmen—a precedent for a world court. *James N. Rosenberg*. Columbia Law Rev. June, 1925.

**Isle of Pines.** Los derechos de Cuba a Isla de Pinos. *Claude A. Swanson*. La Isla de Pinos es y será cubana. *Fernando Ortiz*. Rev. Bimestre Cubana. Nov.-Dec., 1924.

———. The Isle of Pines treaty. *Quincy Wright*. Am. Jour. Int. Law. Apr., 1925.

**Japanese Question.** Japanese exclusion—its political effects. *William H. Carter*. Current Hist. Apr., 1925.

**League of Nations.** Une collaboration catholique aux travaux de la société des nations. *Mgr. E. Beaupin*. Le Correspondant. Mar. 10, 1925.

———. Toward peace. *C. A. Court Repington*. Atlan. M. May, 1925.

———. And Germany? "*Augur*" Fort. Rev. May, 1925.

———. Amendment of the covenant of the league of nations. *Manley O. Hudson*. Harvard Law Rev. May, 1925.

**Luxemburg.** La neutralizzazione del Lussemburgo e la sua ammissione nella società delle nazioni. *U. Borsi*. Riv. Diritto Int. Jan.-Mar., 1925.

**Mandates.** La vraie situation en Syrie. *Un Témoin*. Rev. Mondiale. Mar. 15, 1925.

———. La Syrie et le Liban sous le mandat français (1923-1924). *René V. Giscard*. Rev. Deux Mondes. Apr. 15, 1925.

**Maritime Law.** La convention générale des ports maritimes. *Jean Hostie*. Rev. Droit Int. et Légis. Comp. No. 6, 1924; No. 1-2, 1925.

**Mediation.** L'organisation de la médiation. *Jean Efremoff*. Rev. Droit Int. et Legis. Comp. No. 1-2, 1925.

**Minorities.** La loi agraire en Roumanie et son application aux optants hongrois de Transylvanie. *Démètre Negulesco*. Rev. Droit Int. et Legis. Comp. No. 1-2, 1925.

———. North Slesvig: an unoppressed minority. *Georg Gretor*. Nation. May 6, 1925.

**Monroe Doctrine.** The Monroe doctrine considered subjectively. *Rogelio Sotela*. Inter-America. June, 1925.

**Morocco.** Un nouvel aspect de la question marocaine. *Rober-Raynaud*. Rev. Pol. et Parl. Jan., 1925.

———. L'organisation du statut de la zone de Tanger. *Robert Ruze*. Rev. Droit Int. et Legis. Comp. No. 6, 1924.

———. International procedure under the Tangier convention. *R. Weir Brown*. Jour. Comp. Legis. and Int. Law. Feb., 1925.

———. Sur le front hispano-marocain. *Paul Bluysen*. Le Correspondant. Feb. 10, 1925.

———. The riddle of Morocco. What are the French doing in north Africa? *John Langdon-Davies*. New Repub. May 20, 1925.

**Nationality.** The nationality of married women. *Lucius F. Crane*. Jour. Comp. Legis. and Int. Law. Feb., 1925.

**Near East.** The eastern crisis of 1840. Extracts from the unpublished papers of Lord John Russell. *G. P. Gooch*. Cambridge Hist. Jour. No. 2, 1924.

———. By the rivers of Babylon. *Henry W. Bunn*. Atlan. M. Apr., 1925.

**Nootka Sound.** The real significance of the Nootka Sound incident. *Lennox Mills*. Canadian Hist. Rev. June, 1925.

**Opium Traffic.** Asia's struggle against opium. *H. G. Alexander*. Contemp. Rev. Apr., 1925.

———. The opium conferences. Why America and China withdrew. *W. W. Willoughby*. Rev. of Revs. Apr., 1925.

———. The American withdrawal from the opium conference. *Quincy Wright*. Am. Jour. Int. Law. Apr., 1925.

———. The Americans wouldn't compromise! *Ellen N. La Motte*. Nation. May 6, 1925.

**Pan Americanism.** Pan Americanism and the Pan American conferences. *Lucio M. Moreno Quintana*. Inter-America. June, 1925.

**Poland.** Les manoeuvres contre la Pologne et la paix européenne. *L. Dumont-Wilden*. Rev. Bleue. Apr. 4, 1925.

———. The German-Polish frontier. *H. Wilson Harris*. Contemp. Rev. May, 1925.

———. Germany, France, and the new Poland. *Frank H. Simonds*. Rev. of Revs. May, 1925.

**Prisoners of War.** Les français en Angleterre sous le premier empire. Les prisonniers de guerre sur parole dans le centre de l'Angleterre (1803-1815) (*fin*). *Alfred de Curzon*. Nouvelle Rev. Mar. 15, 1925.

**Recognition.** Recent recognition cases. *Edwin D. Dickinson*. Am. Jour. Int. Law. Apr., 1925.



**Recognition.** The effect in American courts of acts within the territory of an unrecognized government. *Note Editor.* Harvard Law Rev. Apr., 1925.

**Refugee Problem.** The refugee problem. *Percy Alden.* Contemp. Rev. May, 1925.

**Reparations.** La question des réparations ou la mésentente cordiate franco-britannique (*suite et fin*). *H. R. Savary.* Rev. Sci. Pol. Jan.-Mar., 1925.

———. Frais d'occupation et réparations. *Pierre Arnoult.* Rev. Pol. et Parl. Mar., 1925.

———. German industrial bonds under the Dawes plan. *Thomas K. Finletter.* Pa. Law Rev. Mar., 1925.

———. America's share of German reparations. *D. L. Stone.* Hist. Outlook. Apr., 1925.

———. Germany's capacity to pay and the reparation plan. *Frank D. Graham.* Am. Econ. Rev. June, 1925.

**Russia.** Our relations with Russia. *Hugh F. Spender.* Fort. Rev. Mar.

———. Trade unionists and soviet Russia. *Lancelot Lawton.* Fort. Rev. Apr., 1925.

———. Japan's treaty with Russia. *K. K. Kawakami.* Rev. of Revs. Apr., 1925.

———. La politique soviétique en Chine. *Lucien Bec.* Rev. Mondiale. Apr. 15, 1925.

———. The new Russo-Japanese treaty explained. *A. L. P. Dennis.* Current Hist. May, 1925.

**Russo-Japanese War.** A turning point in history. *F. J. P. Veale.* Nine. Cent. May, 1925.

**Saar.** The league and the Saar. *Sir Robert Donald.* Contemp. Rev. Mar.

**School of International Relations.** A school for peacemakers. *Lyman Bryson.* Atlan. M. June, 1925.

**Sea Power.** Napoleon and sea power. *J. Holland Rose.* Cambridge Hist. Jour. No. 2, 1924.

**Security Pact.** British security. "*Augur.*" Pacts of peace or war. *John Bell.* The German offer. *Hugh F. Spender.* Fort. Rev. Mar., Apr., May.

———. Le problème de la sécurité. *André Chaumeix.* Réflexions et enquête sur la sécurité. *Ludovic Naudeau.* Rev. de Paris. Mar. 15, Apr. 1, 1925.

———. Der deutsche Sicherheitspakt und die Balance of power-Doktrin. *Ludwig Quessel.* Sozialistische Monatshefte. Apr., 1925.

**Sovereignty.** Des limitations à la souveraineté nationale dans les relations extérieures. *James W. Garner.* Rev. Droit. Int. et Légis. Comp. No. 1-2, 1925.

**State Immunity.** Action against a foreign sovereign. *Frank B. Wetlig.* Cornell Law Quar. Apr., 1925.

———. The juristic status of foreign states, their property and their acts. *Osmond K. Fraenkl.* Columbia Law Rev. May, 1925.

**State Succession.** The story of the Manila ransom, and Britain's debt to the United States. *N. W. Sibley.* Jour. Comp. Legis. and Int. Law. Feb., 1925.

**Submarine Warfare.** The menace of the submarine. *George Wheeler Hinman, Jr.* Forum. Apr., 1925.

**Tacna-Arica Dispute.** The Tacna-Arica award made by President Coolidge. I. Peru's interpretation. *V. A. Belaunde*. II. The historic background. *H. G. Knowles*. III. Award's influence on Chilean policy. *E. Montenegro*. *Current Hist.* May, 1925.

**Three-Mile Limit.** Le régime scandinave des eaux littorales. *Baron de Staël-Holstein*. *Rev. Droit Int. et Légis. Comp.* No. 6, 1925.

**Treaties.** Registration and publication of treaties. *Manley O. Hudson*. *Am. Jour. Int. Law.* Apr., 1925.

**Tyrol.** Italy in south Tyrol. *C. H. Herford*. *Contemp. Rev. Mar.*, 1925.

**War.** A study of war. *R. M. Bellairs*. *Edin. Rev.* Apr., 1925.

———. Le règlement de la guerre civile universelle. \* \* \* *Rev. de Paris.* Apr. 15, 1925.

**War of 1812.** The second war for independence. *Harry Elmer Barnes*. *Am. Mercury.* Apr., 1925.

**War Crimes.** War crimes. II. *Elbridge Colby*. *Mich. Law Rev.* Apr., 1925.

**War Debts.** I debiti di guerra. *Francesca Coppola*. *Politica.* Jan.-Feb.

———. France's debt to the United States dissected. *Denys P. Myers*. *Current Hist.* May, 1925.

**World War.** La mobilisation totale en Allemagne et en France. *Commandant O. R.* *Rev. Pol. et Parl.* Jan., 1925.

———. Russia's share of blame for the world war. I. The Russian order for general mobilization. *J. S. Ewart*. II. Lord Grey's responsibility for Russia's mobilization. *H. Lutz*. A new estimate of world war casualties *Rez. F. Harlow*. *Current Hist.* May, June, 1925.

## JURISPRUDENCE

### Books

*Arminjon, P.* Précis de droit international privé. T. 1: Les notions fondamentales de droit international privé. Paris: Dalloz.

*Baudry-Lacantinerie.* Précis de droit civil. T. 2. Pp. 887. Paris: Société du Recueil Sirey.

*Bonnecase, Julien.* L'école de l'exégèse en droit civil. (2<sup>e</sup> ed.) Pp. 279. Paris: Boccard.

*Fletcher, Frank L.* The historical foundations of the law relating to trademarks. Columbia Univ. Press.

*Foulke, Roland R.* The philosophy of law. Pp. ix + 102. Philadelphia: John C. Winston Co.

*Kaufmann, Felix.* Die Kriterien des Rechts. Eine Untersuchung über die Prinzipien der juristischen Methodenlehre. Tübingen: J. C. B. Mohr.

*Macauliffe, M. J.* Gaelic law: the Berla laws, or, the ancient Irish common law. Pp. 120. Dublin: Hodges & Figgis.

*Niboyet, J. P.* Répertoire pratique de droit et de jurisprudence d'Alsace et Lorraine. Tome 1. Pp. 300. Paris: Sirey.

*Pouillet, P.* Manuel de droit international privé belge. Pp. 623. Paris: Recueil Sirey.

*Ripert, Georges.* La règle morale dans les obligations civiles. Pp. 398. Paris: Pichon et Durand.

*Robinson, Gleeson E.* Public authorities and legal liability. London: Univ. of London Press

*Ruggles-Brise, Sir Evelyn.* Prison reform at home and abroad. London. Macmillan.

*Sarfatti, Mario.* Le obbligazioni nel diritto inglese in rapporto al diritto italiano. Pp. 352. Milano.

*Schisas, Pandias M.* Offences against the state in Roman law. London: Univ. of London Press.

*Stammmer, Rudolph.* The theory of justice. Macmillan.

#### Articles

**American Law.** English justice and American law. *Henry F. Mason.* Tex. Law Rev. Apr., 1925.

**Assize Reports.** The book of assizes. *W. C. Bollard.* Cambridge Law Jour. Vol. II, no. 2 (1925).

**Canadian Bar.** The organization of the Canadian bar. *A. L. Gordon.* Ore. Law Rev. Apr., 1925.

**Canon Law.** Contribution à l'histoire des sources du droit canonique. Les anciennes collections de "Decisiones Rotae Romanae" (à suivre). *A. Fliniaux.* Rev. Hist. Droit Français et Étranger. Jan.-Mar., 1925.

**Code Napoléon.** La philosophie du code napoléon appliquée au droit de famille. Ses relations dans le droit civil contemporain (suite). *J. Bonnecase.* Rev. Gén. Droit, Légis. et Juris. Jan.-Mar., 1925.

**Common Law.** The common law's indebtedness to Rome. *Charles S. Lobingier.* Am. Bar Assoc. Jour. Apr., 1925.

**Conflict of Laws.** Ernst Zitelmann e il problema del diritto internazionale privato (continua). *E. Batti.* Riv. Diritto Int. Jan.-Mar., 1925

———. Validity in the United States of French divorces to Americans. *Marion Smith.* Am. Bar Assoc. Jour. Apr., 1925.

**Corporation Law.** The promoter: a legislative problem. *Nathan Isaacs.* Harvard Law Rev. May, 1925.

**Declaratory Judgment.** Constitutionality of the declaratory judgment as affected by the scope of judicial functions. *C. L. G.* Va. Law Rev. Apr., 1925.

**Equity.** The basis of the federal receivership. *Garrard Glenn.* Columbia Law Rev. Apr., 1921.

———. A court of criminal equity. *A. E. Popple.* Jour. Crim. Law and Crim. May, 1925.

**Hindu Law.** Le régime du droit civil en vigueur aux Indes. *Henry Solus.* Bull. Mens. Légis. Comp. Oct.-Dec., 1924.

**History of Law.** The new "Holdsworth." *Editor.* Law Quar. Rev. Apr.

———. The history of English law. *E. S. Roscoe.* Edin. Rev. Apr., 1925.

———. The history of law. *C. Guy Cutlip.* Am. Law Rev. May-June.

**Indeterminate Sentence.** Generalización del principio de la sentencia indeterminada. *Luis Jiménez de Asúa.* Rev. Gen. Legis. y Juris. Apr., 1925.

———. Indeterminate sentence and parole system. *Edward Lindsey.* Jour. Crim. Law and Crim. May, 1925.

**Legal Concepts.** Acts. *Albert Kocourek.* Pa. Law Rev. May, 1925.

**Legal Education.** New values in legal education. *William Reynolds Vance*. N. C. Law Rev. Apr., 1925.

**Literature and Law.** Law and literature. *Benjamin N. Cardozo*. Yale Rev. July, 1925.

**Maritime Law.** Cuestiones de derecho marítimo. *Julio Martinez de la Fuente*. Rev. Gen. Legis. y Juris. Feb., 1925.

———. Uniformity in the maritime law of the United States. II. *Austin Tappan Wright*. Pa. Law Rev. Mar., 1925.

———. Maritime cases in common law courts. *George Wilfred Stumberg*. Tex. Law Rev. Apr., 1925.

———. Industrial injuries in admiralty. *E. F. Albertsworth*. Ill. Law Rev. June, 1925.

**Natural Law.** Le droit naturel ou objectif s'étend-il aux rapports internationaux? *Louis Le Fur*. Rev. Droit Int. et Légis. Comp. No. 1-2, 1925.

———. Le conflit des droits naturels et de la loi positive. *E. H. Perreau*. Un théoricien du droit naturel. *Jean Thévenet*. Rev. Gén. Droit. Légis. et Juris. Jan.-Mar., 1925.

———. Zur ewigen Wiederkehr des Naturrechts. *Ernst Landsberg*. Archiv Rechts- u. Wirtschaftsphilosophie. Vol. 18, no. 3.

**Philosophy of Law.** Doubts regarding the foundations of jurisprudence. *G. D. Valentine*. Jurid. Rev. Mar., 1925.

———. Die Kriterien des Rechts. *Robert Neuner*. Der Ursprung des Rechts auf Grund der Rechtslehre des deutschen Idealismus. *Friedrich Darmstaedter*. Archiv Rechts- u. Wirtschaftsphilosophie. Vol. 18, no. 3.

———. Kant's philosophy of law. *E. L. Hinman*. Monist. Apr., 1925.

**Pleading.** History, systems and functions of pleading. *Charles E. Clark*. Va. Law Rev. May, 1925.

**Probation.** A probation system in the United States courts. *Chas. L. Chute*. Tenn. Law Rev. Jan., 1925.

**Procedure.** Federal procedure. *Arthur M. Brown*. Boston Univ. Law Rev. Apr., 1925.

———. An institute of procedural law. *R. Justin Miller*. Am. Bar Assoc. Jour. May, 1925.

**Public Law.** Das subjektive öffentliche Recht. *Lutz Richter*. Archiv Öffent. Rechts. No. 12, 1925.

**Reporting.** The bar's complaint against the press. *Victor Rosewater*. Am. Bar Assoc. Jour. Apr., 1925.

**Responsibility.** Étude sur la responsabilité civile (*suite et fin*). *J. Crouzel*. Rev. Gén. Droit. Légis. et Juris. Oct.-Dec., 1924.

**Riparian Rights.** The seashore and the people. *Winthrop Taylor*. Cornell Law Quar. Apr., 1925.

**State Punishment.** Origin of state punishment. *F. W. Severin*. Canadian Bar Rev. Mar., 1925.

**Statutory Revision.** Concerning the revision of statutes. *H. G. Garrett*. Canadian Bar Rev. Mar., 1925.

———. The need of a statute reviser. *Homer H. Cooper*. Ill. Law Rev. June, 1925.

**Trials.** The preparation of a case for trial. *Martin F. Conboy*. Am. Bar Assoc. Jour. May, 1925.

## LOCAL GOVERNMENT

*Books*

- Anderson, William.* American city government and administration. Holt.
- Atlee, Clement R., and Robson, William A.* The town councillor. Pp. 127. London: Labour Pub. Co.
- Barnard, J. L., and Evans, J. C.* Citizenship in Philadelphia. Pp. 372. Philadelphia: Winston.
- Barry, John F., and Elmes, Robert W.* Buffalo's textbook. Buffalo: Robert W. Elmes.
- Buck, A. E.* Municipal budgets and budget making. N. Y.: Nat. Mun. League.
- Cobb, W. Bruce,* ed. Inferior criminal courts act of the city of New York. Macmillan.
- Convain, Henri.* La chambre consulaire de Lille. Pp. viii + 383. Lille: Raoust-Laleu.
- Dalloz.* Manuel des maires et des conseillers municipaux. Pp. 302. Paris: Dalloz.
- Davies, A. Emil.* The story of the London county council. Pp. 95. London: Labour Pub. Co.
- Egan, J. B.* Citizenship in Boston. Pp. 452. Philadelphia: Winston.
- Kennedy, C. E.* Fifty years of Cleveland. Pp. 357. Cleveland: Weidenthal Co.
- Lanchester, H. V.* The art of town planning. Scribner's.
- Monsarrat, Gaston.* Les voies urbaines publiques et privées. Paris: Bibliothèque municipale et rurale.
- Pirenne, Henri.* Medieval cities: their origins and the revival of trade.
- Poète, Marcel.* Une vie de cité: Paris de sa naissance à nos jours. Pp. xxxi + 627. Paris: Picard.
- Ryde, Walter C.,* ed. The law and practice of rating both within and without the metropolis. (Fifth ed., by E. M. Konstam.) Pp. lxxiii + 987 + 60. London: Butterworth.
- Stewart, C. L. E.* Organization and administration of the electricity undertaking. (Pitman's Municipal Series.) Pp. ix + 169. London: Pitman.
- Upton, Edwin.* Organization and administration of the gas undertaking. (Pitman's Municipal Series.) Pp. x + 122. London: Pitman.
- Waddy, H. T.* The police court and its work. Pp. 229. London: Butterworth.
- White, W. E.* Local government in Scotland. With statutory references. Pp. xx + 692. Glasgow: William Hodge.
- Worthington, George E., and Topping, Ruth.* Specialized courts dealing with sex delinquency. N. Y.: Frederick H. Hitchcock.
- Wright, Arthur S.* Organization and administration of the town clerk's department. (Pitman's Municipal Series.) London: Pitman.

*Articles*

- Budget. Municipal budgets. *A. D. McLarty.* Ill. Mun. Rev. Mar.-Apr., 1925,

**City Councils.** Our city councils. IV. The eclipse of the aldermen. *Joseph McGoldrick*. *Nat. Mun. Rev.* June, 1925.

**City Manager.** The city manager plan in Cleveland. *Albert Sidney Gregg*. *Rev. of Revs.* May, 1925.

———. Seattle's vote against the city manager plan. *William H. Van Nuys*. *Nat. Mun. Rev.* June, 1925.

**City Planning.** City planning and restrictions on the use of property. *J. S. Young*. I, II. *Minn. Law Rev.* May, June, 1925.

———. Brief review of city planning in the United States, 1924. *Theodora Kimball Hubbard*. *Nat. Mun. Rev.* May, 1925.

**Colonial Cities.** The legal status of the American colonial city. *H. L. McBain*. *Pol. Sci. Quar.* June, 1925.

**Communal Responsibility.** De la responsabilité des communes et de l'état au cas de troubles publics (*suite et fin*). *Louis Darroze*. *Rev. Gén. d'Admin.* Jan.-Feb., 1925.

**County Government.** The power and practice of Virginia county boards. *Mary Elizabeth Pidgeon*. *Nat. Mun. Rev.* Apr., 1925.

———. Westchester county plans a new government. *Richard S. Childs*. *Nat. Mun. Rev.* June, 1925.

**Debt.** The bonded debt of 207 cities as at January 1, 1925. *C. E. Rightor*. *Nat. Mun. Rev.* June, 1925.

**Grand Jury.** The grand inquest of the county. *H. Rob. Keeble*. *Am. Mercury*. June, 1925.

**Home Rule.** Municipal home rule in New York. *Laurence Arnold Tanzer*. *Nat. Mun. Rev.* Apr., 1925.

**Housing.** The problem of the slums. *Arthur Greenwood*. *Contemp. Rev.* Apr., 1925.

**London.** Office organization of the London county council. *Montagu H. Cox*. *Jour. Pub. Admin.* Apr., 1925.

———. The spirit of London. *J. P. Collins*. The troubles of London traffic. *G. E. C. Swinton*. *Quar. Rev.* Apr., 1925.

———. The London county council election of last March. *Robert C. Brooks*. *Nat. Mun. Rev.* June, 1925.

**Municipal Affairs.** Notes on municipal affairs. *Thomas H. Reed*. *Am. Pol. Sci. Rev.* May, 1925.

**Municipal Courts.** Simplified procedure in municipal courts. *Rasmus S. Saby*. *Jour. Am. Judicature Soc.* Apr., 1925.

**New York.** The imperial city of New York. *Samuel McCoy*. *Current Hist.* May, 1925.

**Oslo.** Oslo, Norway's rebaptized capital. *Bjarne Bunkholdt*. *Current Hist.* Apr., 1925.

**Philadelphia.** The democratic party in Philadelphia. A study in political pathology. *Austin F. MacDonald*. *Nat. Mun. Rev.* May, 1925.

**Regional Planning.** County park development and regional planning. *Jay Downer*. *Am. City*. May, 1925.

**Social Welfare Work.** Public welfare! Whose responsibility? *Robert W. Kelso*. Coordination of social work in Knoxville. *Elizabeth Sims Brownlow*. *Nat. Mun. Rev.* Apr., May, 1925.

## Articles

**Communism.** The Peter Pans of communism. *Benjamin Stolberg*. Century. June, 1925.

**Democracy.** Die attische Demokratie des 4. Jahrhunderts. *A. Körte*. Hist. Vierteljahrschrift. Dec., 1924.

———. Zur Krise der Demokratie. • *M. J. Bonn*. Die amerikanische Demokratie. *Th. G. Masaryk*. Neue Rundschau. Apr., 1925.

———. Les maladies de la démocratie. La parlementarité. *Charles Benoist*. Rev. Deux Mondes. Apr. 15, 1925.

———. Does democracy fit most peoples? *Lothrop Stoddard*. World's Work. May, 1925.

**Fanaticism.** The pestilence of fanaticism. *James A. Reed*. Am. Mercury. May, 1925.

**History.** The new history. *Harry Elmer Barnes*. Am. Mercury. May, 1925.

**Kant.** Kant's doctrine concerning perpetual peace. *J. F. Crawford*. Monist. Apr., 1925.

**Liberalism.** Has liberalism a future? *Benedetto Croce*. New Repub. Apr. 29, 1925.

**Local Autonomy.** Some aspects of local autonomy in the Roman empire. *J. S. Reid*. Cambridge Hist. Jour. No. 2, 1924.

**Montesquieu.** Montesquieu et les hôpitaux. *P. Laborderie-Boulou*. Rev. Gén. Droit. Légis. et Juris. Oct.-Dec., 1924.

**Napoleonic Traditions.** La légende napoléenne aux États-Unis. *Camille Vallaux*. Mercure de France. Jan. 15, 1925.

**Pacifism.** Pazifistische und sozialistische Politik. *Gertrud Schloss*. Sozialistische Monatshefte. Mar., 1925.

———. The case against force in Chinese philosophy. *A. W. Hummel*. Chinese Soc. and Pol. Sci. Rev. Apr., 1925.

———. A convert to pacifism. *Sherwood Eddy*. Forum. June, 1925.

**Plato.** To Böger om Platons Stat. *Frithiof Brandt*. Tidskueren. May, 1925.

**Political Leaders.** President Ebert and Hjalmar Branting. *J. Ramsay MacDonald*. Nine. Cent. Apr., 1925.

———. Hjalmar Branting. *André Waltz*. Rev. de Paris. Apr. 1, 1925.

———. Lord Robert Cecil. *Th. Greenwood*. Rev. Mondiale. Apr. 15, 1925.

———. Lord Curzon: a personal recollection. *Sir Francis Younghusband*. Nine. Cent. May, 1925.

**Political Organization.** L'organisation du contrôle. *Victor Augagneur*. Rev. Mondiale. Apr. 1, 1925.

**Political Research.** Reports of round table conferences. Am. Pol. Sci. Rev. May, 1925.

**Politics.** Les transformations actuelles de la politique. *René de Kerallain*. Rev. Gén. Droit, Légis. et Juris. Oct.-Dec., 1924.

**Popular Government.** The dancing bear. *Frederic Nelson*. New Repub. May 27, 1925.

**Proletarian Dictatorship.** La dictature du proletariat. I. II. *Olaf Brock*. Le Correspondant. Mar. 25, Apr. 10, 1925.

**Self-Determination.** Self-determination. *Arnold J. Toynbee.* Quar. Rev. Apr., 1925.

**Sovereignty.** Sovereignty. *Edward Jenks.* Contemp. Rev. Apr., 1925.

**Socialism.** Nationalisation and denationalisation. *A. Shadwell.* Edin. Rev. Apr., 1925.

———. "Socialism" in Britain and America. *John A. Hobson.* Nation. Apr. 15, 1925.

———. Les idées et les faits sociaux. *Max Turmann.* Le Correspondant. Apr. 25, 1925.

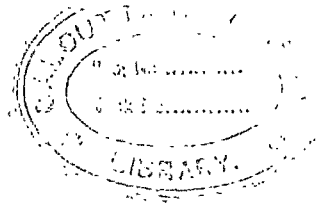
———. Marx or Christ? *J. A. Nairn.* Nine. Cent. May, 1925.

———. Challenge of socialism in Great Britain. *Sir Edgar Jones.* Current Hist. June, 1925.

**State Functions.** Notions générales sur les attributions et les fonctions de l'état et sur les services publics. *Roger Bonnard.* Rev. Droit Pub. et Sci. Pol. Jan.-Mar., 1925.

**Theory of the State.** Kulturform und Staatsgedanke in Ostasien und Europa. *F. E. A. Krause.* Hist. Zeitschrift. No. 2, 1925.





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## HOME RULE IN NEW YORK STATE

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Home rule in the United States has for many years been confined to the states west of the Mississippi. As late as 1920 Ohio and Michigan were the only eastern states giving their cities autonomy. Since that date, however, there has appeared a tendency in the larger urban industrial states to treat cities more generously. New York in 1923 and Pennsylvania in 1924 have now joined the ranks of home-rule states. But many of the largest states, for example, Illinois, still give no such power to their municipalities, while in Massachusetts it can still be said that cities have the same legal status as "an infant, an idiot or a lunatic."

The addition of New York to this group has just been rendered certain. On September 2, the court of appeals of the state rendered a unanimous decision declaring the home-rule amendment to have been validly adopted.<sup>1</sup> This ended two months of uncertainty caused by the decision of the appellate division of the supreme court in New York City that the home-rule amend-

<sup>1</sup> *Browne v. Board of Estimate and Schieffelin v. Mills*. The court after special hearing issued an advance opinion sustaining the amendment. There was some need for haste owing to its bearing upon the September primaries. A month later, October 6, the court gave its opinion and decided the other question raised by these cases. See *infra*, p. 703.

ment was not validly a part of the constitution and that all state and local legislation passed under its aegis was void.

It should be noted that the question involved in this decision hinged not on a home-rule point, but on a matter of constitutional law. The constitution in New York State, like those of almost twenty others, requires an amendment to be passed through two successive legislatures before being submitted to the people. After the home-rule amendment had passed through one legislature and was waiting action by the second, another amendment to the article which the home-rule amendment proposed to abolish, namely, the article relating to the well-known mayor's veto, was adopted by the people. This amendment was of a very trivial character, inserting but three words "the clerk of" before the words "house in which it originated," to which such local bills were to be returned. In submitting this amendment, the whole article which was to contain it was repeated. The lower court held that the adoption of this intervening amendment operated to nullify the first passage of the home-rule amendment.

The highest court of the state, however, dismissed this contention saying, "We find neither precedent nor adequately persuasive reason to support this implication," for admittedly all of the detailed requirements set forth had been observed, except the provision as to entry on the journal, on which point the higher court again reversed the New York City judges, accepting a descriptive entry as sufficient. This decision, therefore, frees the cities of the state to continue the self-government which they had been enjoying for almost a year when their authority was called into question.

Such an experiment as municipal home rule in a state like New York is of peculiar interest. The state has sixty cities ranging from Sherrill with 1,761 to New York City with its more than six millions, including such well-known industrial cities as Buffalo, Rochester, Syracuse, Utica, Poughkeepsie, Troy and Schenectady, to mention but a few. Indeed, eighty per cent of the people of the Empire State live in cities, and sixty per cent of the entire state lives in New York City, which covers

326 square miles, including 577 miles of waterfront, and has a government employing 100,000 people and spending \$775 a minute. Under such diverse and gigantic conditions home rule is certain of a thorough test.

The movement for home rule in New York state is not a recent one. In the early seventies the Tilden Commission on Municipal Affairs recommended it. In 1883, a fairly liberal home-rule amendment passed through one legislature and was tabled the year following on the motion of Theodore Roosevelt, then assemblyman, by a vote of but 58 to 42.<sup>2</sup> But the cities of the state were destined to have to wait forty years before attaining local self-government. During this period special legislation consumed much of the time of the state legislatures. In the constitutional convention of 1894 there were eight home-rule proposals, but the cities had to content themselves with the "mayor's veto" on local legislation, which scarcely achieved its purpose, though it gave cities a voice in legislation affecting themselves. Anywhere from twenty to forty per cent of the legislation at each session continued to be matters affecting solely individual cities. Between 1911 and 1920, more than seventeen hundred such local bills were passed.

One result of this was that the charter of a city ceased to be a document, but became a conglomeration of all the laws which legislative homeopathy from time to time concocted for its particular benefit. New York's city charter, "a thing of shreds and patches," was perhaps the masterpiece of this intricacy. In itself it was a document of no mean proportion, filling some three hundred printed pages, but it alone did not disclose the metes and bounds of the city's jurisdictions. In 1921 the New York City Charter Commission made a brief digest of special laws of the legislature relating to New York City, which in fine print filled thirteen hundred printed pages. One scarcely wonders that such a government should cost so much a minute.

Not merely were the sources of city government in hopeless chaos, but the legislature itself wasted much of its costly time

<sup>2</sup> Assembly Journal 1884, pp. 571, 1262.

passing laws permitting Saratoga Springs to license dogs,<sup>3</sup> permitting bodies to be removed from cemeteries in Utica,<sup>4</sup> allowing persons owning abutting property to make connections with water mains in Watervliet,<sup>5</sup> authorizing clerk hire by the chamberlain of Oswego,<sup>6</sup> or requiring snow removal by the property-owners in Poughkeepsie,<sup>7</sup> or abating the smoke nuisance in Albany.<sup>8</sup>

As time passed, it became increasingly necessary to relieve the legislature of this annoyance and free the cities from the necessity of constantly lobbying at Albany to secure necessary, frequently urgent, changes, or prevent harmful mandatory legislation.

The present amendment is the result of a movement, which began about 1910. A group of civic organizations united to prepare such an amendment and urge its passage. These encouraged the formation of the "Conference of Mayors and Other City Officials," which still serves in this state the function which leagues of municipalities perform elsewhere. The first concrete result was the passage in 1913 of the Municipal Empowering Act,<sup>9</sup> which proved little gain. Greater advantage accrued from the Optional Form of Government Act<sup>10</sup> passed the next year, permitting cities of the second and third class to adopt any one of six different forms of government including commission and city-manager plans. A few of the cities in the state are still operating under the forms provided by this act.

In 1915 the constitutional convention of that year, after much urging, incorporated an amendment, none too satisfactory to ardent home-rule advocates, in the constitution which it submitted. This entire constitution, however, was rejected by the electorate.

<sup>3</sup> Chapter 127, Laws of New York 1912.

<sup>4</sup> Chapter 374, Laws of New York 1916.

<sup>5</sup> Chapter 264, Laws of New York 1916.

<sup>6</sup> Chapter 577, Laws of New York 1916.

<sup>7</sup> Chapter 456, Laws of New York 1916.

<sup>8</sup> Chapter 781, Laws of New York 1913.

<sup>9</sup> Chapter 247, Laws of New York 1913.

<sup>10</sup> Chapter 444, Laws of New York 1914.

The next year the present amendment was revised and pushed with renewed vigor. At every session thereafter it was reintroduced in substantially its present form. In 1917 various of the civic organizations of the state were united into the State Association, which took up the home-rule cause and was joined by numerous organizations from New York City. At length, in 1922, legislative leaders showed signs of readiness to accept the home-rule amendment. They insisted, however, in modifying the proposal, at least to the extent of eliminating control by New York City over counties within its limits. Many of the organizations, particularly those in that city, were unwilling to make this compromise, but it was at last agreed to in the hope that sooner or later New York could absorb the local county governments, for the city embraces five entire counties, each with its sheriff, its register, its county clerk and other elective and appointive officials, with salaries ranging from ten to twenty thousand dollars a year. Yet, though the expense of all this county administration was, and still is, paid from the New York City treasury, the city, as a corporation, has no administrative control over these county officers, and the average citizen has not the remotest notion of where county jurisdiction begins and the city authority leaves off. But for political reasons the union of the two still continues to be delayed.

The home-rule movement was not without opposition. Organized labor in the state had written into the old article on cities a provision empowering the legislature to prescribe the maximum day and minimum conditions on municipal work. They greatly feared that the grant to the cities of power over their local governments would impair these hard-won standards, though it seems that the amendment proposed, both specifically and by every implication, would accomplish nothing of the sort. After a fuller study of the question labor at length endorsed the amendment and worked for its ratification. More active opposition came from public-utility interests and real-estate owners, but the former made no vigorous campaign because of the clear intent of the framers of the amendment to exclude utilities from city control, and grant no power of municipal ownership opera-

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tion or of utilities. The chief jeremiads, therefore, came from the United Realty Owners Association. Their president shook his head darkly and looked to the sky for ill omens. Said he: "The popular vote in large cities is emotional and unreasoning. The people must be saved from themselves. . . . Experience has shown the direct realty taxpayers are not to be entrusted to protect their own interests and if they are not, certainly the rentpayer is not," presumably meaning, not to be trusted to protect the interest of the realty taxpayer. His fears were inspired by the horror of "free dentistry, free ocular, free drugs, free medical advice and like . . . fads and fancies."

The objectors made common cause, insisting that the whole proposal was vague and ambiguous, and likely to breed endless uncertainty and litigation. Despite these protests, however, the campaign for adoption was successful. In all but one small city, the majority favored it. The final result at the November election, 1923, was 957,108 for to 510,947 against.

Throughout the twelve years of campaign for the amendment, at least two principles had stood out. All who had any sympathy with the home-rule cause insisted that the amendment must provide both power and protection, power for the cities over their local affairs and government, and protection from special legislation on the part of the state legislature that would invade this sphere. As finally expressed, the New York amendment gave to cities complete power over their "property, affairs and government." In this respect it is following the tendencies of more recent constitutions as, for example, the Wisconsin grant of all "matters of local concern," or the Michigan "municipal affairs," or the Ohio "local self-government." Besides this fairly broad grant of power, the cities of New York are given unusual freedom in the use of it. The power is not contingent upon the adoption of a home-rule charter. Every city can exercise this power through its existing governmental agencies. This is warranted by the experience of other states. San Francisco and Minneapolis both were denied home-rule power for twenty years because of inability to agree upon a

charter. The latter city finally adopted the expedient, already employed by Lincoln, Nebraska, of collecting all the existing state laws regarding the city's government and submitting them as a charter, in order that the city might be free to amend such charter thereafter. •

The New York constitutional amendment is silent on the question of charters. Indeed, in view of the fact that the city's power is limited to its "property, affairs and government," it may be doubted whether the city could adopt an entire charter which would almost inevitably have to include matters beyond that field. Their power of amendment, however, renders this a less serious problem. It is likely that cities in New York, as in Texas, will content themselves in large measure with amending their existing charters. The City of Rochester prepared a new charter, consisting of a series of rather broad, far-reaching amendments, and undisturbed by the New York City decision passed this law in time to go on the ballot in November. The little city of Sherrill was more intrepid. Though the only city in the state whose officials opposed the home-rule amendment it became the first to adopt a charter under it. The charter ratified by popular vote August 12 is, however, likely to be challenged because of the failure of the city to precede it with a local law providing for hearings on local laws. This apparently is the only requirement laid down by the enabling act before a city may exercise its new powers. Two other cities have attempted to adopt manager government this year under the optional government law but the vote in both was negative.

The powers which the cities of New York obtain by the amendment are not, however, strictly speaking, self-operative. They are contingent upon action by the legislature. But such action was rendered practically imperative by the protective feature of the amendment, which prohibited the legislature from passing "any law relating to the property, affairs or government of cities, which shall be special or local either in its terms or its effects." Such a rigid, apparently watertight, provision, almost the only unambiguous clause in the amendment, would

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have left the "property, affairs and government" as a sphere of anarchy, had not the legislature granted the power which the amendment clearly intended.

True, the legislature may deal with these subjects by general legislation, if it so desires, and it may, on a message from the governor stating that an emergency exists, and by a two-thirds vote in each house, pass laws that are not general in their application, but Governor Smith has shown no disposition to furnish such emergency messages under ordinary circumstances, and the two-thirds majority might not have been easy to achieve.

The power of the legislature to pass general legislation is, of course, important. Thus, the contention already referred to that the labor laws were in danger by the amendment appears to be unfounded. All these laws are general in their operation and no city could trespass against them. It was perhaps intended that the legislature should make rather liberal use of this power to pass laws of general application, but the experience of the first year does not indicate that this promise is going to be fulfilled, if indeed it would be desirable.

In fact, the amendment itself appears to have been designed to provide not constitutional home rule, but legislative home rule. The supporters of municipal self-government were never able to catalog the powers which they believed cities should and should not have. In writing a general phrase into the constitution, this burden would devolve either upon the legislature or the courts. It was urged, for example, when the amendment was pending, that the legislature would decide specifically with what matters the city would and could not deal. When the proponents of the amendment were charged with vagueness, they insisted that the amendment was not self-operating and that all the detail would have to be worked out in the enabling act. They were inclined to admit that throwing the matter into the courts would not be a highly satisfactory solution.<sup>11</sup>

When the legislature in 1924 found itself finally under the necessity of passing an enabling act or leaving the cities hog-

<sup>11</sup> Article by Laurence A. Tanzer in *State Bulletin*, March 1922. Mr. Tanzer as counsel for various of the civic organizations in the state drafted the amendment.



tied for another year, it proved impossible to provide the detailed legislation contemplated. No study had been made of the subject and there was far too little agreement upon it. As a result it resorted to that rather elementary device, sometimes called "passing the buck." Upon the courts devolved the responsibility of deciding what "property, affairs and government" means. It may be doubted if this outcome is wholly desirable. Legislative home rule, such as exists in Michigan, is far more flexible than the judicial home rule of Minnesota or Ohio. The acts of a legislature may be easily and steadily revised as changing conditions or public opinion require, but the pronouncements of a court as to the meaning of a constitutional grant become for all intents and purposes part of the constitution itself, modifiable only by the elaborate and frequently long-winded process of constitutional amendments. And aside from this, the courts should not perhaps have thrust upon them what is essentially a policy-determining function. In construing such a phrase as this one of the New York constitution or the similar phrases mentioned from other states, there is virtually no law to guide the court, as there was no law to guide the framers of the amendment in selecting the language except in one or two instances to be mentioned presently.

The Enabling Act<sup>12</sup> in New York merely reenacted the amendment. It gave to the cities all power over their "property, affairs and government," leaving the courts to determine the bounds of this power. Certain matters which would normally constitute charter amendments were made subject to mandatory referendum.<sup>13</sup> Others, and no clear policy seems to have deter-

<sup>12</sup> Chapter 366, Laws of New York 1924, as amended by Chapter 397, Laws of New York 1925.

<sup>13</sup> 1. Abolishes a branch of the local legislative body, or changes the form or composition of such body, or changes the voting power of any member thereof;

2. Changes the veto power of the mayor;

3. Changes the law of succession to the mayoralty;

4. Abolishes an elective office, or changes the method of removing an elective officer, or changes the term of or reduces the salary of an elective officer during his term of office;

5. Abolishes, transfers or curtails any power of an elective city officer, except for the purpose of transferring the powers or duties of one branch of the local legislative body to the other, or to some other local authority;

mined the division between this and the preceding section, are made subject to referendum on petitions, but the fifteen per cent required renders such a referendum unavailable to all larger cities. The Enabling Act did, it is true, catalog nine prohibitions upon city legislation,<sup>14</sup> but these were all clearly implied in the constitutional amendment itself and do not represent an exercise of legislative discretion. It seems improbable that even without any of the prohibitions contained in this section the cities would have had any power over the matters mentioned. For the courts, then, remains the problem of saying what the scope of home rule shall be.

In respect to a few matters the court has some guidance. The four matters which have given most difficulty in other states are to some extent settled in New York. With regard to elections, which has been a common source of question, the amend-

6. Creates anew elective office;
  7. Changes a provision of law relating to public utility franchises;
  8. Changes a provision of law relating to the alienation or leasing of city property;
  9. Changes a provision of law relating to the membership or terms of office of the civil service commission of the city;
  10. Reduces the salary of a city officer or employee which has been fixed by a state statute, and approved by the vote of the qualified electors of such city;
  11. Provides a new charter for such city.
- <sup>14</sup> 1. Removes or raises any limitation of law on the amount in which the city may become indebted, or on the amount to be raised in any one year by tax for city purposes, or for any city purpose;
2. Removes restrictions of law as to issuing bonds or other evidences of debt;
  3. Applies to or affects the maintenance, support or administration of the educational system in such city, or a teachers' pension or retirement system in such city;
  4. Changes the number or term of office of the members of the county board of supervisors, chosen as such, in such city, under the official title of supervisors;
  5. Applies to or affects any provision of the labor law or the workmen's compensation law.
  6. Changes any provision of the tenement house law.
  7. Applies to or affects existing powers of the state comptroller in relation to auditing or examining municipal accounts or prescribing forms of municipal accounting.
  8. Applies to or affects any provision of law providing for regulation or elimination of railroad crossings at grade or terminal facilities within the city.
  9. Applies to or affects any provision of law relating to the property, affairs or government of a county or counties.

ment provides that all municipal elections "shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year." This will render difficult the electoral innovations which have been rather popular in states where cities may provide spring elections with nonpartisan or run-off primaries. Secondly, with regard to courts, the New York state constitution,<sup>15</sup> like those of Minnesota and Michigan, places these rather definitely under the jurisdiction of the state legislature. Thirdly, at the behest of the school teachers, a rather powerful lobby in New York State, education was definitely excepted from the home-rule grant by a section of the amendment itself. Finally, the language of the amendment, by previous judicial construction, eliminates the fourth and most annoying problem, public utilities. The phrase "property, affairs and government" seems to have been chosen specifically because it covered this point. It was taken from the provision of the preëxisting-cities article of the constitution, which provided that special bills relating to "property, affairs and government" were subject to the mayor's suspensive veto. The practice of the legislature, or more exactly the clerks of the legislature, was to interpret this rather liberally, but the courts on two occasions<sup>16</sup> were compelled to determine whether special bills relating to public utilities were invalid because of failure to submit them to the mayor of New York. The court clearly held that this was a matter of state, as distinguished from local, concern and was not subject to the requirement.

This was the first matter to be tested under the home-rule amendment. The passage by New York City, and simultaneously by Buffalo, of local legislation proposing to establish municipally owned and operated bus routes gave rise to two suits,<sup>17</sup> one of which involved the question of the validity of the amendment itself as discussed above. The opinion of the highest court, rendered October 6, follows the reasoning suggested and

<sup>15</sup> Article 6, Section 18.

<sup>16</sup> *Admiral Realty Co. v. City of New York*, 206 N. Y. 110 (1912) and *In re McAneny v. Board of Estimate*, 232 N. Y. 377 (1922).

<sup>17</sup> *Schieffelin v. Mills and Browne v. Board of Estimate*, *supra*.

concludes that neither the amendment nor the enabling act empowers a city "to carry on the business of a common carrier of passengers." The court declined to go further, as it regarded this as the only question presented by the cases before it.

Only one other case arose under the phrase previously. Back in 1896 a decision of the court held that a state prohibition law was not subject to local examination.<sup>18</sup> This opinion was cited by counsel in one of the recent home-rule cases as standing for the proposition that the cities under the amendment secured no police power. While this is not clear from the decision itself, it seems to be substantially the conclusion of courts in other states, notably in Minnesota. In general it would appear that what police power a city may exercise is exercised at the sufferance of the legislature and in any conflict between the two must give way. But such power the cities apparently had, under their ordinance power, before any home-rule amendment.<sup>19</sup>

The lack of litigation thus far is directly attributable to the paucity and insignificance of the local legislation. During 1924 only half of the cities in the state exercised their newly-acquired powers. At least sixteen cities have yet to take any action, and nine of those which passed local laws last year have passed none this year. The total number of local laws passed to date is barely 140, of which about 40 relate to the hearings mentioned above, strikingly below the output of local laws by the legislature prior to 1923. New York City, which last year contributed two, has passed 16 since January 1.

<sup>18</sup> *People ex rel. Einsfeld v. Murray*, 149 N. Y. 367 (1896); Excise and Option Law, Ch. 112, Laws 1893.

<sup>19</sup> One interesting problem that was suggested some years ago when the amendment was pending sheds some light on the exact operation of the independent state and local jurisdiction. Water supply is undoubtedly a municipal affair. But this would not permit a city to go beyond its limits to secure a water supply. The City of New York, however, has purchased huge tracts on both sides of the Hudson River extending even into the Catskills about a hundred miles away. The legislature could not, however, pass a special law permitting New York City to go beyond its limits for water supply because of the nature of the subject. It would seem that the only way the legislature could extend the power and retain a modicum of control would be to pass a general law giving all cities such power subject to the approval of some state body, such as the state conservation commission.

The subjects treated are also indicative of this timidity. The largest item includes some 34 laws relating to salaries, terms of office, pensions and kindred subjects so close to the heart of local politicians. Twenty-two of the laws deal with matters of departmental organization and an equal number with assessments, improvements and tax sales. Few of the cities have departed from these general categories; but Yonkers has adopted an elaborate zoning law, and Cohoes undertook to appropriate \$50,000 for municipal housing. By avoiding a bond issue for this purpose the city appears to have avoided litigation as well and the houses, now substantially completed, are being rapidly sold. The only other items of interest are three prohibition laws, all three identical, passed by Watertown, Geneva and Olean. The constitutionality of this effort seems questionable, and litigation to test it is in progress. The remainder of the laws are of even slighter importance, many of them indicating that little distinction is being made between local laws and ordinances. Strictly speaking a local law should relate to a matter with which a city was powerless to deal prior to the home-rule amendment. The enabling act provides that these local laws shall be filed with the secretary of state and published each year as a companion volume with the session laws, but when such power rests in the same body that passes ordinances and may be exercised at the same meeting, such distinction is likely to be vague if not destined in time almost to disappear. In New York City a bicameral legislature has been formed out of the board of estimate and the board of alderman to exercise this home-rule legislative authority, but elsewhere the existing council handles it along with its former functions.

The restraint in the employment of the newly acquired home-rule power is due in no small degree to the caution advised by the Conference of Mayors. This deliberate caution has been supplemented by the fact that municipal elections occur throughout the state this year and by the uncertainty as to the permanency of home rule, the validity of which had been attacked even before its ratification. The removal of the two latter obstacles is likely to be accompanied by a marked increase in the

local product, but the cities in the state deserve commendation for their restraint thus far.

Advocates of home rule have taken great pride in the fact that its operation has not been followed by the calamities so freely predicted and in particular has given rise to so little litigation. This last is not an unmixed blessing. The very nature of the amendment requires judicial construction. It is probably desirable that litigation should proceed hand-in-hand with legislation, in order that clear, constructive, judicial interpretations may not be impeded by the difficulty involved in upsetting practices which have continued for any length of time.

## TWO FORGOTTEN STUDIES IN POLITICAL PSYCHOLOGY

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While it is true that every writer on politics has been to some degree an observer of psychological facts, the significance of this has never been so apparent to systematic students as it is today; otherwise, writings of considerable merit in political psychology could scarcely have suffered the fate of the two books referred to in the present study and have disappeared from sight. Dr. J. G. Zimmerman's *Essay on National Pride*, published at Zürich in 1758, might very well have been the point of departure for extended research into the nature of patriotism and international attitudes; Gottfried Duden's inquiry, *Concerning the Essential Differences of States and the Motives of Human Nature*, published at Cologne in 1822, stated problems and suggested methods for the examination of the realities of political power which ought to have inspired a century of minute research. Both books fell flat, and it is only in this day of numerous soundings in psychological politics that it has become worthwhile to disinter them.

That a book about national pride should have been published two years after the beginning of the Seven Years' War is a sharp reminder that European politics had undergone a transformation. The Reformation was undoubtedly a nationalist movement in many of its phases, but it introduced a series of sectional and party disturbances which intercepted the progress of nationalism. These had subsided, and by the eighteenth century the clash of competing imperialisms became not only a basic fact but a fact of which the men of the age were aware. Dr. Zimmerman could lament shrewdly in his essay, "Yet Newton will often be called an almanac maker, and Montesquieu a blockhead, while the

French and English struggle with all their power for the mastery of the American trade." Given the fact of conspicuous nationalism, systematic reflections about it were likely to arise in an age in which the printing press was a favorite tool.

The man who actually prepared the *Essay on National Pride* was disposed to the task by an array of personal traits and experiences. Born in 1728 in the Swiss Canton of Bern, he acquired from his French mother a familiarity with the French language which opened to him in later life the heritage of that culture. His medical education was acquired in Germany at the University of Göttingen, where he took his doctorate in 1751, before proceeding to Holland and France for six months of travel preparatory to his return to Switzerland. He maintained an extensive correspondence with his old teacher, Albrecht von Haller, whose biography he wrote, and with various scientific and literary acquaintances in France and Germany.

Zimmerman's penchant for psychological inquiry was determined by a pathologically sensitive nature. He is said to have inherited from his mother those recurring fits of brooding depression which often drove him from the society of men and finally developed into the derangement which appeared in the last few months of his life (1795). In 1756, two years before the appearance of the *Essay on National Pride*, the young physician had published the first version of the *Essay on Solitude* which, in a later form, won for its writer a gold casket from Catherine of Russia (1785), and a secure place among the minor literary lights of a brilliant century. He had already prepared a doctor's thesis upon *De Irritabilitate*, and these excursions into the realm of the essay were obvious reliefs which he interspersed among such professional treatises as the one upon dysentery (1767). From 1768 he was the personal physician to His Britannic Majesty at Hanover, where he kept in touch with the chief literary and political figures of the day. Among his quarrels was one with Goethe, and among his attachments was one to Frederick the Great, whom he defended against Mirabeau.<sup>1</sup>

<sup>1</sup> There is a short biographical note by Rudolph Ischer in the *Allgemeine Deutsche Biographie*, Vol. 45 (1900). See also: Rudolph Ischer, *J. G. Zimmerman's*



The essay on pride grew from his reflections on being asked to write a preface to a collection of biographies. He was very much struck by the fact that national pride seemed to result in things both good and bad, and he started out to sift the good from the evil. His quest for the means of controlling the excesses of pride led him to make the analysis of the causes of national pride, which gives his essay some enduring value as a pioneer piece of social psychological explanation.

Dr. Zimmerman's treatise takes its departure from the proposition that "Every nation contemplates itself through the medium of self-conceit, and draws conclusions to its own advantage, which individuals adopt to themselves with complacency, because they confound and interweave their private and their national character." Such joint conceit he finds to be universal. The Greenlander who laps with his dog in the same platter despises the invaders of his country, the Danes. Ask the Caribbee Indians who live at the mouth of the Orinoco from what nation they spring, and they reply, "Why, we only are men."

To account for this universal phenomenon he singles out a series of causes. Some nations regard themselves as of great antiquity. "The vanity of mankind has ever filled the immense vacuity beyond the authentic memorials of the origin of every nation with fabulous history, at will removing their antiquity to the remotest ages in order proportionally to increase their luster." The Japanese, Chinese and Indostani claim descent from the gods. "The yet uncivilized inhabitants of Paraguay give to the moon the endearing appellation of mother; and when their parent is eclipsed, they run out of their huts with the greatest activity, and making the most hideous lamentations, they shoot a vast number of arrows into the air in order to defend the moon from the dogs who attack her."

*Leben u. Werke*, Bern, 1893; Dr. J. Minor, *Fabeldichter, Satiriker und Popularphilosophen*, 1900. For the German text of the Essay, I have used *Vom Nationalstolze*, 4th Aufl., Zürich, 1768; for an English translation, see the *Essay on National Pride*, by the late Dr. J. G. Zimmerman, Aulic Counsellor and Physician to his Britannic Majesty at Hanover, Samuel H. Wilcocke, N. Y., 1799. With an account of the life and writings of Dr. Zimmerman.

"A people who conceive that they alone profess the true religion will not only believe themselves under the immediate protection and objects of the peculiar favor of the Supreme Being, but will express the most ill natured abhorrence for the followers of another religion." The Jews, Mohammedans and the Brahmins are in this class.

Pride likewise arises from supposed liberty, valor, power or reputation. The Greeks gloried in liberty, in the bravery of their ancestors, and in the power of their military establishments. As an example of the pride which springs from a supposed reputation abroad is retold the story of the Khan of Tartary "who has not so much as a house, and who subsists solely on rapine," who when "he has finished his repast of mare's milk and horse-flesh in his tent, causes a herald to proclaim that all kings, princes and potentates of the earth now have his permission to go to dinner." Some nations pride themselves on the reputation which they have acquired in the arts and sciences.

The national constitution is a matter of pride. The republicans persist in equalitarian strivings, although it may sometimes lead to the state of affairs related by a peasant of the canton of Appenzel, who remarked that the inhabitants of a certain republican city had cut off the head of one of their fellow-citizens because it was the only head among them. The glory of the monarchical nation is a wise sovereign.

The author introduces two categories of cause which overlap the others when he speaks of pride resulting from ignorance of foreign affairs and from ignorance in general. He tries also to separate the causes into imaginary and real, but such a distinction is of little value to the observer of psychological facts.

When he discusses the effects of national pride, he invents some interesting hypotheses. While contempt for another nation lessens envy, it does not lessen hate, since "an enemy is a subject of hatred in proportion as he awakens our fears; he may be inexpressibly contemptible, but his power may be great; and we shall never cease hating him till his power can have no influence either on our happiness or misery." He seems to refute this by asserting that extreme contempt increases the points of honor

whose violation may result in collision. There is less exception to his proposition that pride by diminishing envy "makes happy fathers, happy citizens and happy subjects, with no better fare than black bread, hard cheese and buttermilk," for he is here relating a fact which illustrates the workings of compensatory phantasy. He points to the resistance of the French to the advances of Descartes, to the doctrine that the blood actually circulates, and to inoculation, for the purpose of showing that national pride may deprive nations of many advantages which arise from the inventions and knowledge of others.

He makes some specific suggestions for the control of national pride. He would not sacrifice national pride altogether, and so he would fire the ambition of children with stories of famous men and the exploits of the nation as a whole. In order to correct excessive price he would increase the knowledge of other nations by translating their literature. He also cites with approval his friend Iselin, who wrote in his book on Helvetian Virtue that: "Every nation should promise a reward to those who shall display in the most obvious light the defects of its Constitution and manners, and the vices and faults of its progenitors as well as their virtues." This will mitigate the tendency of the proud to overlook defects in themselves.

With his scheme of evaluation we need not occupy ourselves, except to remark upon its pragmatic nature. There is comparatively little pontification about his judgments, for he seems perfectly willing to argue every question in terms of specific effects. "Prejudices must and ought to exist among mankind so far as they are useful." "Pride is the source of so many beneficial talents and of so many virtues that we ought not to endeavour to destroy it but to make it subservient to good purposes."

For his case-material Dr. Zimmerman has relied upon histories of ancient times, upon books of travellers in Asia and America, upon personal participation in the heritage of the French, German and Swiss, and upon information from his correspondents. He handles his material with acumen and utilizes sources which were, from the point of view of the historical criticism of his own time, reliable.

The modern student would demand from the outset a more behavioristic idea of national pride than Zimmerman gives him. He would concern himself with trying to explain why it is that all differences between nations are not actually taken up by a nation as points of honor. He would give more attention to the press as a means of controlling patriotism than did a writer of the eighteenth century. He would explore the possibility of using personality-studies in an effort to explain super-patriots, sub-patriots, and other individualized types who appear in the national group.

Gottfried Duden lived during one of those periods in which the theory of sovereignty underwent rapid mutation. The theory of original contract, which had occupied the center of the stage for more than two centuries, was rudely demolished during his lifetime, and significant departures were made in political thought.

Orthodox theory had been, and continued in large measure to be, a philosophy involving the question of who should wield political power, and to this end the various thinkers shaped their notions of the exact nature of political power. Bodin stood for the French monarchy against the nobles, Hobbes championed the British monarch, Locke justified the Revolution of 1688, and Rousseau provided the doctrinal apology for the forthcoming upheaval of 1789. A philosophy of "ought" implies a standard of value, and to the legal mind the standard easily became a precedent which imposed consistency. The consistent-with-precedent pattern of mind became with monarchomachs the consistent-with-the-original-agreement pattern under the influence of the analogy of private contract. The advantage of arguing from a precedent in the days of weak historical scholarship was that you could put into the precedent as the premise all that you needed to sanction the theory of oughtness which you took out at the conclusion.

The French Revolution precipitated a great conservative reaction in political theory.<sup>2</sup> Against the consistent-with-con-

<sup>2</sup> See C. E. Merriam *The History of the Theory of Sovereignty since Rousseau* (1900).

tract type of thinking there reared itself with renewed strength the conformity-to-divine-purpose stereotype (De Maistre). The Idealists in Germany altered the pattern to conformity-to-world-reason (Schelling). Both the theologians and the philosophers were abetted in their attack upon the original-contract theory by the new historical scholarship which, by casting into relief the slow process of elaboration which lay behind the contemporary juristic institutions, succeeded in discrediting the assumption that political societies ever had been set up by the process of general contract.

The historians supplied the material for a new departure in reasoning about the nature of political power. Ludwig von Haller, whose six volumes began to be published in 1816, swept the board of the contract dogma and, after reviewing the historical evidence, proposed therefor the concept of sovereignty as a matter of force. He nullified the value of his analysis to some degree by admitting a divine law to prescribe limitations upon force, and his hybrid sovereignty became a convenient pulpit from which Haller could lay down the "oughts."

The importance of Duden's book, *Concerning the Essential Differences of States and the Motives of Human Nature*,<sup>3</sup> lies in its attempt to conceive of political power as a psychological complex of many elements. He is rigidly objective, and tries to explain the forces at work, rather than to justify the forces he prefers to work.

Just why Duden should have written a book so different in spirit from the output of his time does not conclusively appear from an examination of the scraps of biographical material which relate to him. He was the son of a well-to-do apothecary in Remscheid, Rhenish Prussia.<sup>4</sup> He was born in 1785, went through the gymnasium at Dortmund, and studied law in Düsseldorf, Heidelberg, and Göttingen from 1806 to 1810. For a year thereafter he served in the judicial administration at Düsseldorf, and was transferred to the district of Mülheim an der

<sup>3</sup> *Über die wesentlichen Verschiedenheiten der Staaten und die Strebungen der menschlichen Natur.*

<sup>4</sup> His biography, by Friderich Schnake, appears in *Der Deutsche Pioneer* (Cincinnati, Ohio) of January and February, 1875.

Ruhr. . In 1812 he joined an infantry regiment and was an officer during the struggle against Napoleon. In 1814, after putting up a last-ditch resistance to the French, he was only able to save his life by swimming the Rhine. After being mustered out of the service, he returned to the Mülheim district, and received a promotion which enabled him to reside at Cologne, where his book on sovereignty appeared in 1822.

As an advocate he was an observer of human passions, and occupied himself with speculations upon the cause of crime, which he traced to poverty produced by the pressure of population. Emigration, he believed, was the best hope of the poor. He became interested in medicine, and took a leave and then a dismissal in order to study at Bonn. Soon after this he left for America (1824). He purchased 270 acres of land in Missouri which were cleared and tended by labor which he hired, while he wrote and placed his medical knowledge at the service of his neighbors. In 1827 Duden returned to Europe and two years later published a most enthusiastic book upon America<sup>5</sup> which went through several editions and spurred thousands of his countrymen to seek prosperity in Missouri. Some of them were badly prepared to rough it in a new country, and many were the complaints against the "*Duden'sche Pastoral*."

He seems to have regretted his part in creating any misapprehension in the minds of his compatriots, since one of the sub-titles of a small book published in 1837 by him reads, "Duden's regret for his account of his American trip. A warning against further ill-considered emigration."<sup>6</sup> This is the same brochure in which he takes issue with De Tocqueville's account of political institutions in America, and with Chevalier's analysis of the causes of financial difficulties in America.<sup>7</sup>

<sup>5</sup> *Bericht über eine reise nach den westlichen staaten Nordamerika's und einen mehrjahr's aufenthalt am Missouri (in den jahren 1824, 25, 26, und 1827), etc.*, Elberfeld, S. Lucas, 1829; New edition, Bonn, E. Weber, 1834.

<sup>6</sup> "Duden's selbst-anlage wegen seines Amerikanischen reisenberichtes. Zur warnung vorf ernerem leichtsinnig auswandern." The title of this publication begins, *Die Nordamerikanische democratie und das v. Tocqueville'sche werk darüber* . . . , Bonn, 1837.

<sup>7</sup> Michel Chevalier, later a distinguished lecturer in political economy at the University of Paris, had written *Lettres sur l'Amérique du Nord*, Bruxelles, 1837. (German edition, Leipzig, 1837; English edition, Boston, 1839).

Duden also wrote two volumes upon the state of Germany and Europe as viewed from America, and prepared a study upon the forms of the state which appears to have been a rewrite of his earliest book.<sup>8</sup> Neither his life nor his work has received serious notice.<sup>9</sup> He died in 1855 at the town of his birth.

No one can read Duden's book on the *Essential Differences of States* without feeling that here was a mind of more than ordinary penetration. He states very bluntly in his introductory remarks that he expects his readers to regard his conclusions as hypotheses which have served him in the solution of his problem. This self-critical attitude stamps him as one who was singularly aware of his own mental processes. He does not proceed by setting out the specific historical instances upon which he rests his theories, and it is doubtless this omission which accounts in part for the failure of his work to attract attention.

He is in firm possession of the genetic, evolutionary idea of methodology. He believes that the appreciation of state differences depends upon a knowledge of each stage of state development in terms of the series of which it is a phase.<sup>10</sup> Pursuing this method, Duden finds that in the most primitive stage of the state the feeling of dependence upon the head of the family was the chief support of political power. Later with the multiplication of numbers and the setting up of distances between the rulers and the ruled, the fear of a higher being became the chief prop of authority. Other governments were based upon force, but these, he insisted, were temporary unless they were successful in widening their base by securing psychological supports other than fear. Feudal authority is demonstrated to be a synthesis of many more elements than the simple fear of superior force.

The significance of Duden's study lies in his analysis of the motives upon which power is based. He singles them out and

<sup>8</sup> *Europa und Deutschland von Nordamerika aus betrachtet*. Bonn, 1833-35, 2 volumes. *Grundsätze und Ansichten über Staatsformen und deren Ableitung aus dem Wesen des Staats selbst*, Leipzig, 1832. Cited by von Mohl, *Encyklopädie der Staatswissenschaften*, Tübingen, 1872.

<sup>9</sup> See Merriam, as cited, p. 71 (footnote).

<sup>10</sup> "Die verschiedenen stufen eines werdenenden gründlich zu beurtheilen, verlangt, sie in ihrer Reihenfolge zu betrachten," Part III, p. 11.

frequently discusses them with great keenness, as when he finds that the desire for honor is less important in small communities than in large ones, "since proximity is unfavorable to fiction." His list of dispositions includes the desire for survival, the desire to be free, the desire to have a protector (arising from a feeling of weakness), the desire for a good reputation, the wish to rule, and the preference for quiet.

On the strength of his genetic analysis of the sources of political power, he outlines his general theory of sovereignty. It depends upon recognizing a relation between the desire to rule and the motives to obey. The motives of obedience were the instruments of the will to rule. The ruler cannot act counter to all the motives to obey and at the same time hold his power, and to the extent to which he alienates any motive he narrows the basis of his own power. Aside from these limitations, none exist upon the supreme power.

At one point he recapitulates his doctrine by reminding his readers, "that the power of the state is built up by uniting the means to rule with the will to rule; that the will to rule survives only in the means and is identified with them; that all limitations on the will to rule arise from the nature of the means at its disposal; and, finally, that all the limitations upon the power of the state may be epitomized thus: no power can work effectively *beyond* its base, nor can it work *successfully against* its base."<sup>11</sup>

Duden has cut through the metaphysical abstractions of his time, ignored theological dogma, passed by the fiction of contract, and discarded the unitary theory of force. His hypotheses are psychological and take account of multiple elements.

He goes on to specify the tests which should be applied in attempting to appraise the actual power of any motive. "With respect to direction what is desired? Just what will bring satisfaction? What will interfere with it? Assuming that it becomes satisfied, will it continue to operate as a political force? What is the modifiability, duration and strength of the motive? To what extent does the presence of a particular motive involve a conflict with another motive in the minds of the same people?"

<sup>11</sup> "Keine Gewalt kann über ihre Basis *hinaus* wirken, noch auch *gegen* ihre eigene Basis *siegend* wirken," III, 67.



This was an effort to state his theory in a form which would permit further research into the dimensions of human motives in particular situations. It was, however, never followed up, and psychological analyses of political life came into the literature of the subject from other and subsequent sources. In England, for illustration, the researches of Sir Henry Maine into the origins of law led him to criticise the Austinian assumption that one element, force, could explain political power. He attached some weight to opinions, sentiments, beliefs, superstitions and prejudices. This led to the distinction, drawn by Dicey and Ritchie, between legal and political sovereignty, and to the researches of Dicey into the importance and of Wallas into the elements of political opinion. Duden's analysis, fragmentary though it was, consisting more often of insights than demonstrations, was pointed squarely in the direction of the most productive line of subsequent political thought.

## THE DOCTRINE OF POWER AND PARTY CONFLICT

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The fundamental problem in politics is that of the balance of power. It is a balance which has to be struck not only in foreign affairs but, quite as much, in the domestic management of states. Only, it may be suggested, when real equilibrium has been secured, is that efficient, smooth and healthy working of the social system possible which finds external expression in a normal and resilient form of conservatism as distinct from the tetanus of the morbid and hysterical form. But it is futile to speak of striking a balance of social interests unless we are justified in supposing that the units have a certain constancy of characteristics and persistence of activity.

Now the units of social force are, in the last analysis, the so-called 'free wills' of the individuals necessarily brought into contact as component members of a society. The contact is necessary: civilization admits of no 'wild ass freedom.' To assert that these 'persons with a will of their own' behave in accordance not only with an 'altruistic' gregarious tendency but also with a differentiating, assertive tendency, is to make a psychological assumption. To affirm that this self-assertive tendency may perhaps be religiously sublimated but that it is under all circumstances inextinguishable, is to make another psychological assumption.

As to whether these assumptions are sound it is not the office of a political experimental<sup>1</sup> scientist to express an opinion.

<sup>1</sup> There is no more inherent impossibility in experimenting with men than in experimenting with pigs. This is not to deny that the political scientist has had to be observational rather than experimental in his methods, since hitherto the control of the laboratories of social experiment has been, perhaps fortunately, under the control of gentlemen amateurs at Westminster and Washington rather than of more pretentious students of social affairs.

But that, if they were true (or if we acted upon the hypothesis of their truth), it would be possible to deal with 'selves' as permanent nodules, as genuine units, is a consideration to which too much attention cannot be given. The age-long advertisement of the so-called social sciences has been: Wanted, a unit. These units of volitional power would always be making their wills felt in some way; they would be neutralizable but never negligible. Man is interested in the most various things, but he is always interested in 'having his own way.' With the shifting circumstances of the ages, the direction of social self-expression, but not the nature of it, certainly might be expected to change. Against such movements mere repression would be as mistaken in politics as in psychiatry. Men might approximate toward the standards of Ethics by ever subtler and more complete reconciliations of interests, as growing intelligence appreciated the wisdom of such subtlety.<sup>2</sup> But every stage of social development would both involve a potential conflict of forces and display some measure of actual equilibrium.

If there is indeed such a permanent political process underlying events, then perhaps (and for the first time) are we entitled to whisper the words, a Political Science. It is the thesis of Dr. Alfred Adler of Vienna that this inextinguishable will to execute what may happen to be one's will is a psychological fact of objective validity and not merely the philosophical dogma of a Hobbes or the semi-scientific fiction of such writers as Ratzenhofer.<sup>3</sup> Whether this thesis be tenable it is for the psychologist to examine. The would-be political scientist may, however, reasonably be encouraged to take as a hypothesis this saner statement of Hobbes' belief in the demonic possession of every man by 'a restless desire for power after power that ceaseth only in death' and, without obstinate attachment, may yet consider whether it provides him with any clue to a method in the apparently methodless madness of political phenomena.

At present Psychology is in its babbling infancy, and Politics,

<sup>2</sup> This, as I understand it, is the fundamental thesis, underlying the theory of Condorcet. Of. also Kant's *Idea of a Universal History*, § iv.

<sup>3</sup> A. Adler: *The Neurotic Constitution*, and *Individual Psychology*.

mightily begotten by Aristotle, tarries in its pre-natal stage. It is then, perhaps, an impertinence to ask hard questions from the one science; or to make rash promises for the other. But the intention of this paper is to enquire from the psychologist whether he can admit this doctrine of the indestructible will unit or, as it might be called, of the 'non-collapsible will,' and to show what use the politician (to coin a long-needed term) could make of so valuable a concept. If the psychologist declines to be seized of the case and asserts that it appertains to the province of a distant cousin called 'the social psychologist,' then, having made our apologies, we must turn to this new quarter with our query. But it must be emphasized that it is no part of the present business of the political scientist, although he may steal notions useful to him, to play psychologist on his own account. He is better employed, as in Professor Graham Wallas' *Human Nature in Politics* or in Professor W. B. Munro's *Personalities in Politics*, with probing back to 'the effectual truth of the thing' through the study of history in the Machiavellian manner.

No more favorable field for testing whether such a theory of social balance has pragmatic value for the political experimentalist could well be found than the history of party conflict. Here the combatants are in genuine social relations, such as it may be contended do not exist between the citizens of foreign countries. And yet, although all fellow countrymen are constrained to dwell together in amity and to praise patriotism with a cheerful voice, *prima facie* it would appear that we have, in the unhappy fact of persistent party strife, disturbances caused by something more profoundly seated in the social system than the mere inexplicable perversity of the partisans of the wrong party. Unless we are prepared to dismiss the motives of the opposite party outright as due to the inspiration of Satan, this would appear to be a matter which will repay further research.

Röhmer<sup>4</sup> has furnished us with four categories, Absolutist,

<sup>4</sup>Röhmer: *Lehre von den Politischen Parteien*, §38. Cf. Bluntschli: *Charakter und Geist der Politischen Parteien*, p. 27. The analogy drawn by these

Conservative, Liberal, Radical, under which it is alleged that all phases of party political life can be brought, and which are certainly more exhaustive but perhaps not more satisfactory than the dual division known to all admirers of Gilbert and Sullivan opera. But the antithesis of Conservative and Liberal is not polar: the Mr. Gladstone of the eighties and the Mr. Chamberlain of the opening years of this century are in no such contrast to their youthful selves, and Mr. Churchill in any guise still remains Mr. Winston Churchill. The contrast of Conservative and Radical is more clear-cut, if by Conservative we mean one who seeks to conserve, if not the letter, at least the spirit of the present system, the *status quo* (and thus, as a logical consequence, the spirit of the past), whereas by the term Radical is understood one who believes in the necessity of a root change, whether by evolution or revolution, one whose relation to "the system" is centrifugal.

The quite indispensable and too often neglected task of defining terms accomplished, the phenomena of Conservatism and of Radicalism can be accepted as a suitable subject for investigation, provided that precaution be taken against the frequent error of extracting as the result of our search precisely what we have put into the hat by the legerdemain of our definition.

It would be possible to compose two little brochures, after the style of those writers of *belles lettres* who call themselves political scientists, on the respective philosophies of Conservatism and of Radicalism, describing how the one is retrospective and has as its ideal a return to the law-abiding trustfulness of the Garden of Eden, that first Whig, the Devil, being excluded, whereas the other has in prospect the descent to earth of the New Jerusalem. One could point out how the Conservative's notion of justice is

authors between the mentalities of the Radical, Liberal, Conservative and Absolutist parties and those of the four ages of man, is as misleading as are their speculation as to the genders of nations and institutions with its conclusion that 'our modern World-epoch' shows a moving away from Radicalism (Bluntschli: *ibid.* p. 105). Such analogies may easily lead to the tricking out of prejudice in the garb of science. In these writers the Platonic comparison between the structure of the community and the soul of man seems to be reduced to absurdity. Cf. *contra* G. Tarde: *Transformations du Pouvoir*, ed. 1899, p. 141-2.

legalistic, the Radical's equitable; and so forth. This traditional circumambulatory method of treatment must be rejected if our object is not to describe but to explain.

But explanations are not lacking. The economist will point out that in the opposition of Conservative and Radical we have just that opposition of Haves and Have-nots which it does not need a Plato or a Disraeli to perceive tends to exist in all societies. It may, however, fairly be objected that men quarrel even more fanatically over issues which do not affect their pockets, in belief or in deed, but only their convictions, than in instances where the contrary is the case.<sup>5</sup> Let us, then, accept with thanks this explanation by the economist of the conflict of the Contented and the Discontented, without yet admitting that we can explain everything by adducing the psychological motives set in action by Hunger and physical discomfort or by considering only the motive of Acquisitiveness. A more satisfactory explanation may perhaps be offered of the phenomena of political content and discontent in terms of the power to execute what may happen to be one's will.<sup>6</sup>

If our fundamental thesis be right, it is the task of a secular

<sup>5</sup> Maine: *Popular Government*, ed. 1885, p. 124.

<sup>6</sup> President Lowell (*Public Opinion in War and Peace*, 1923, pp. 271 ff.) while asserting that "human relations depend upon a vast and delicate adjustment of forces" and, accepting the division of parties into contented and discontented, introduces a cross-division into sanguine and nonsanguine. But the degree of sanguineness (a highly complex characteristic) would appear to vary with the degree to which men are willing to welcome the untried. As between Conservative, Liberal and Radical, this would appear to be explicable in terms of degrees of discontent or of confidence in one's own independent executive powers. At least this explanation would appear to be simpler than Mr. W. Lippmann's "different intuitive estimates of the rate of change in social affairs" (*Public Opinion*, ed. 1922, p. 416). The Reactionary, however, is discontented and yet "non-sanguine." What does this involve? History shows that, when the Reactionary has a policy of "bringing the people back to reason," he is an optimist about the past, and often quixotically sanguine about the future success of his policy. Why then does he desire a return to the past, if not that he was, on the whole, better contented with the past condition of affairs than, not his temperament, but his judgment, convinces him that he is likely to be with any other distribution of power? The first three-party categories are, it is suggested, three degrees, and are, as such, for logical if not for pedagogical purposes, best described by their poles of contented and discontented. There is a very real danger in neat definitions, e.g., of liberalism. The Reactionary is a

government to hold coördinated in one society, without straining to breaking point its uniting bonds, a thousand interests possibly vital to what those concerned esteem to be their happiness and possibly divergent each, as an immediate interest, from the other. It is not a government's business to enquire, as a moral censor, into the absolute value of these interests but to respect the expressed wills of those concerned in such a manner as to secure both a stable balance at the present and a reasonable prospect of future harmony. If the ruler can mollify the obduracy of the individual will by an appeal to men to discover themselves in the service of some ideal, his task is simplified. But this religious sublimation demands for its success a certain spiritual homogeneity in the community, and without this homogeneity of the denizens of its territory the secular state, which is coercive and composed of citizens born according to the accident of the flesh and not brought into it by free choice, cannot presume to exist.

A government is, then, left with the obligation of striking a balance, by weighing up their strength, between these men each demanding a 'place to grow in the sun.' If it fails, the penalty is *stasis* and civil war. Now such a balance may be obtained by endeavoring to retain the old balance, with the accompanying risk in a shifting world of being too tardy in making the nice adjustments required. The ass may be able to balance his burdens, but only so long as he does not move. Or, as the factors in the process of history change, an endeavor may be made to strike a new and truer balance, an endeavor which is confronted with the problem of how to keep the old balance while the new balance is being struck. The ass will advance, but the merchandise of civilization is spilt on the highway.

special case due to the introduction of the factor of time: it is Retrospective Radicalism. There does, however, appear to be a temperamental reactionary, characterized by suspicion and fear of any idea which would bid him launch away and relax his morbid grip of the *terra firma* of ancestral custom. This temperamental condition is perhaps due to nervous debility. It would appear to be too rare to be assigned as sole cause of reactionary movements. I can, moreover, feel no satisfaction in the assumption that the reactionary (a very subjective term) or the man who swings between radicalism and reaction, *e.g.*, Plato, is a morbid case fit only for treatment in a social clinic.

If our hypothesis be correct of a society as a collection of units of power, all alike in their real formal will to execute a contentual will infinitely varied, among whom equilibrium must be established, we should expect to discover the above two main ways of dealing with the problem of government. And when we look at the facts we do find these two distinctive methods of striking the social balance. Our investigation of the physiology of the social structure does in fact throw light upon the policies of Conservative and of Radical.

It would, to change the metaphor, be the task of the theoretical statesman, like a dispassionate cook or Plato's statesman-physician, to prepare a governmental broth soothing to the body politic. But party politicians are interested consumers, members of a group constituted to advertise the advantages of a particular diet, and it is their object to persuade the country to accept a broth spiced to suit their own taste. There are, then, differences of seasoning even in wise policy. Serious statesmen of both sides, it is true, would admit the necessity of providing some place in the social scheme for all the members of the society, in which station they may properly be advised to be content. But the Conservative, who is a man of the *status quo*, will advise contentment with that social proportionment of power which has rendered him content, and will see with singular clarity the advantages, and maintain by every influence the stability, of the present equilibrium.<sup>7</sup> The Radical is not merely privately discontented.<sup>8</sup> In a world where the good and the bad are so closely bound up together that bad institutions do not, as in logic, fall straightway by reason of their inherent error, the Radical must spread discontent. He must cut the tie-ropes of sentimental attachment, and see to it that the old *régime*

<sup>7</sup> R. Michels: *Les Partis Politiques*, ed. 1914 (trans. S. Jankelevitch) p. 272: "L'organisation politique conduit au pouvoir. Mais le pouvoir est toujours conservateur." Thus Professor Michels explains the tendency of radicals to become conservatives when in power.

<sup>8</sup> Although his discontent may be of a very private nature, e.g. some physical disability or childhood inferiority which has balked his will and sets him against the successful according to the measure of this world and their system. Cf. *Quand Israël est Roi*, §iii.



sinks. Irreverence is his habit and ridicule his weapon in upsetting a system maladjusted in parts. The Radical perceives the strain on the atoms of the compound and desires readjustment even at the cost of chemical dissolution and explosion. The Conservative emphasizes the centripetal force and that the tight relationship is far subtler and less reproducible, if disturbed, than a more mechanical juxtaposition.

It is, then, suggested (and it seems to accord with the facts) that the psychological basis of both parties is the will of individuals for power to execute what may happen to be their will. But, in the case of members of the one party, this will is on the whole gratified and accompanied by a sense of contentment and by an anaesthesia to arguments for change.<sup>9</sup> In the other case, this will is balked and tends to produce restlessness, mental habits of the introspective type, and a pessimistic estimate of the actual and traditional.

### III

The thesis that the psychological bases of Conservatism and Radicalism are to be found in two forms of the desire for power may appear so simple as to be a mere truism, and perilously near to the tautology that the explanation of party conflict is that there is a tendency among parties to conflict. But a theory which directs attention to the inherent demand of the individual for self-expression, to the strength of diverse formations and groups of these individual wills, to the stability of the various social balances which may be struck between these units and groups, and to the differences between social engineering or therapeutics and social censorship, if sound, contributes to the explanation, and is not a mere restatement, of the problem of political conflict. The theory is yet open to the misinterpretation that it explains *falsely*, and to the allegation that it is inadequate because it only explains *some* of the facts.

It may be misinterpreted as falsely implying that the Radical, as the 'discontented' party, is essentially a destructive party. But, in so far as the Radical addresses himself to the problem

<sup>9</sup> Cf. Dicey: *Law and Public Opinion in England*, ed. 1905, pp. 14-16.

of securing a readjustment of power, corresponding more closely with the actual lust for self-expression on the part of the present units of power, his party could as appropriately be described as 'reconstructive.' He is only destructive in the manner that, whether from the sense of a duty to enlighten the world or from a desire to win numbers to the side of his own interests, his policy is to arouse people to a painful consciousness of their individuality by a process called education. He thus alters the stimulus to the individual unit and renders it temporarily eccentric in its orbit from the old system.

Nor is it to be thought that the doctrine of power necessarily involves an 'egoistic' self-interestedness on the part of the Conservative who clings to the ancient order. Without stopping to comment on how far the old terms, 'egoist' and 'altruist,' cause obscurity rather than illuminate discussion, it may be pointed out that Conservatism peculiarly lends itself to moral enthusiasm. I may resent a change of system which will restrict my opportunities and decrease my public importance. It is usually, also, possible for me to feel strongly that a change is contrary to the public interest which lessens my chance of serving the public in the control of affairs. But Conservatism also binds itself up with the sentiment of loyalty, with the respect for ancient pieties, and with that aristocratic austerity which determines to make the best of the thing in hand instead of yielding to the vulgar and undisciplined clamor for a 'change all round.' The Conservative tends to abhor the doctrine that the people has 'a right to make its own mistakes,' to 'learn by responsibility,' which encourages disorder and condones botching. In no few respects, then, Conservatism enables a man to satisfy his moral nature and to execute his will to live such a life as his self-respect dictates as desirable. The Conservative is no more inspired than the moral reformer only by motives of vulgar private advantage. Moral reformers are not always the least self-assertive of men; they do not therefore cease to be disinterested.

More serious is the allegation that other bases of party spirit are to be found; that the theory is too narrow to explain the

evidence; that *e.g.* the fact of loyalty cannot be accounted for as a symptom of the desire for power.

Now there are many psychological grounds which may be assigned for the cohesion of parties: sympathy and imitation<sup>10</sup> may be given at random as instances. It is enough to say that these reasons are equally valid for any other close groups. Narrowing our field, it is possible to point out that Conservative and Radical alike respond to the appeal of leadership, but that, whereas the Conservative looks to a traditional leader, the Radical has to arouse passion for the exponent of an idea, unless he be so fortunate as to filch a renegade aristocrat not cursed with a proletarian inferiority complex and whose call awakens an habitual response. And so forth. But it is necessary to clear the ground by emphasizing the distinction between the psychological bases of the two attitudes and their concomitant sentiments. Thus Pugnacity may not be the basis of Conservatism, and yet, if it be desired to conserve a system, it may be necessary to maintain a constant stimulus to pugnacity in its defence. Similarly, the attitude to leadership is concomitant, not fundamental.

Loyalty, Timidity, Adventure seem to require fuller consideration:

The uncritical *loyalty* for existing institutions frequently found among Conservatives has earned for them the abusive epithet of the 'Stupid Party' and (a variant yet more misleading) the 'Instinctive Party.' Two points require notice. Loyalty to what is, is a natural concomitant of contentment with what is. Further, if it be the object of Conservatives to defend the *status quo*, it is tactically advisable not to institute an analytical criticism of it, but to bind up the unimpugnable and the more disputable parts of the system together as one untouchable whole. Religion, morality, law, property,<sup>11</sup>—when one is assaulted all are assailed and the reverence which one evokes is an aegis for all, since all are part of the one heritage of the past.

<sup>10</sup> *Bryce: Modern Democracies*, I, p. 112, ed. 1924.

<sup>11</sup> Cf. Lord Rosebery: "Socialism: the end of all—the negation of faith, of family, of property, of Monarchy, of Empire" (quoted by G. T. Raymond: *Life of A. J. Balfour*, p. 167).

What this past may be, is relatively indifferent. Conservative sentiment will cling to the Reformation or the Republican Settlement as much as to Catholicism or Legitimism. Indeed, if too ancient a past returns to life and, breaking loose upon the bereaved mourners, wanders abroad, if loyalism to the day before yesterday becomes an intransigent principle, then Conservatism is confounded by its own logic. On such occasions, if the Radical often plays the bloody part of executioner, the Conservative usually hurries forward as undertaker of a respectful, speedy burial. Conservatism is not born of loyalty; it is only nourished by it.

*Fear of change* is the corollary of the desire to conserve the present and, consequently (where there has been no violent breach), the past. It is, therefore, to the advantage of the Conservative to stimulate alarmism about the vague grisliness of the unknown. Conservatism may not always repudiate rashness of action, but it discourages a sanguine confidence that 'things will come right,' however boldly the trial and error method may be adopted in political experimentation. It has as little trust in the natural goodness of the man-out-of-power as Radicalism has in that of the man-in-power.

To fan distrust of change into fear of revolution is an easy task. It is the handicap of the Radical that he cannot offer a scheme which, however imperfect, has at least been tried out; he can only conjure up a thousand ingenious possibilities against the murky background of fact. The dextrous pricking of such bubbles affords a malign glee to the Conservative intellectual, while a 'robust common-sense' founded on tempered pessimism remains a conservative asset. No small part of Conservative strategy is to keep the small man with just a little to lose sufficiently alarmed to make him the (perhaps reluctant) ally of the section or institution which is threatened, and to stimulate the timid and coyly independent middle class into some committal form of political activity. For this reason the Tory extremist, with his naïve admissions and crude downrightness, must be suppressed. But Fear is essentially negative and the Conservative policy of Coöperation and Loyalty is not negative. Moreover

Conservatism has its reasons for desiring to conserve and for being endeared of the old order, reasons which are connected with positive satisfactions. It is moved not merely or chiefly by a neurasthenic fear of the unknown. In so far as fear is habitual with Conservatism, this is but the appropriate complement of its contentment with the outlet for the individual 'will for power' which it finds in the existing order.

The desire for *adventure* and for contradiction, the desire to go on a crusade regardless of the cost, to which Radicalism can appeal so well, may be urged to be positive and fundamental, admitting of no further analysis. The perversion of boyish zest which rejoices in the game of 'Ins' and 'Outs' is not confined to those of a radical temperament, but this team spirit is to be clearly distinguished from the austerer joy of being not merely 'against the government' but 'against the world.' The determination, however, to overcome obstacles, and to 'make good' despite probabilities, appears to be not other than, but a very high form of, that will to carry through whatever one may happen to have set one's heart upon—which is the supposition of the doctrine of power. It is the executive will in a noneconomic and sportive mood. It is the lust for power no longer sensual but spiritual, operating in solitary pride or seeking release through the perfect freedom of service in the name of the conquering Cause. But the same indomitable will, when enlisted by supposed interest upon the side of the possessor party, will make a man a believer in 'thorough' as a policy and an adherent of a Conservative party which by no means only consists of the phlegmatic, the 'leader-followers' and the habit-loving. And even the littlest leader-followers find power for their little selves through leader-following. Although, then, it may be admitted that many motives conduce to party organization and warfare, other psychological motives need not confuse the issue. The primal phenomena of Conservatism and Radicalism would, it is suggested, be adequately explained were the psychologist able to permit himself to endorse what we may perhaps be permitted to call the Hobbes-Ratzenhofer-Adlerian hypothesis as above restated.

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## IV

Having thus briefly expressed what is and what is not meant by the doctrine of power as providing a possible clue to a systematic politics in the labyrinth of historical data, it is well to avoid the danger of appearing to substitute waxen-nosed philosophic entities for the awkward obduracy of the facts. Let us cease for the moment to talk about conservatism and radicalism and turn to the actual parties in contemporary England, the country of which the constitution has been the joy of laboratory demonstrators in politics from Montesquieu to Ostrogorski.

Here we find not two parties but three. The Radical here is the *sans-culotte* brother of the dignified Liberal, a partnership proclaimed over the doors of a hundred 'Liberal and Radical Associations' throughout the land. The Liberal endeavors to stand along with the Conservative as a 'Constitutional' party against a Labour party which is held to be suspect of revolution and to smell, though it be but faintly, of republicanism.<sup>12</sup>

It is impossible here adequately to illustrate how party leaders play upon the minor chords of fear and of traditional affection. It is in the public interest that the monarchy should be above party strife, that the constitution should not be brought into dispute, that religion should not be made a political matter, and that extremism should be weakened. But the older parties, with all the geniality in the world, christen the protesting and eminently respectable Labour leaders with a name which is not 'Constitutionalist,' marry them to the sacrilegious executioners of the Russian clergy, and indicate to them that they are honorably committed to fight in the same ditch with British Bolsheviks. 'No class warfare' is too good a battle cry to be left reposing as a maxim in a book by Mr. Barnes with foreword by Lord Cecil of Chelwood. Thus, again, the exigencies of party conflict lead the more conservative elements to insist that 'Labour' spells 'Socialist', and hereby actually to contribute to converting to Socialism a Trade Union movement. The main

<sup>12</sup> Vide the London "Times," Oct. 13, 1924, p. 15.

point is that a non-Labour government shall be put into power to prevent the advent of that 'Socialist Commonwealth' which will involve restrictions on the liberty hitherto enjoyed at least by the capitalist, if not by all classes. Now this passion for liberty is but the negative side of the desire to execute my own will. To prevent Socialism, party allegiances have been broken, and the voter, in the name of liberty and of the minimum of interference, has deserted the subtle Liberal, full of distinctions and new-fangled plans for interfering with the private right of property in land, for the stalwart Conservative. He goes to the old established firm when he wants goods with the trademark 'Warranted Unstretchable.' To this particular political phenomenon, let us turn for a moment our attention.

The decline of the Liberal party in England is a significant event; the international collapse of the Liberal faith is a stupendous portent, comparable only with the recoil of Protestantism before the Counter-Reformation, and remarkable even for a generation which has witnessed the extinction, in the persons of Hapsburg, Hohenzollern, and Romanoff, of the last tapers in the long-drawn-out obsequies of the Roman Empire and the burying of Caesar. Few subjects can be more deserving of the attention of psychologists than this wilting of creeds.

Various reasons can be assigned for this decline: the workers' appreciation of the superiority of mass-coöperation to the Greek gift of free contract, the popularisation among the educated of the ideals of the Hegelian philosophy instead of the Voltairean Liberal rationalism, the recrudescence of Catholic piety as against the negative conception of independence. But these things are made acceptable by the change of spirit rather than initiate it. It may yet be remarked, of the first case, that the worker believes that he finds such freedom as he may attain in obedience, not indeed to 'perfect law,' but to Trade Union regulations. Individualism, which has been the key-note of Liberalism as struck by the orthodox school, and which may well be struck in the future by Liberals, 'administrative nihilists' and philosophic anarchists, appeals peculiarly to the man of independent mind and independent means, to the man with vitality for

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initiative and with opportunities for 'self-help.' John Stuart Mill provided a Bible 'On Liberty' and Mr. Smiles a People's Version. It does not appeal as a gospel which will give power and personality to the manual worker. The 'natural Liberal' who will work out his own salvation is essentially of the elect. The mass-production mentality of the factory does not favor his multiplication; the explosive energy dammed behind the monotony of industrialism does not favour his intellectual moderation. In its own right and until the prick of Socialism is felt by the masses, Liberalism lacks voting strength, because the classes and interests 'naturally Liberal' no longer constitute as large a proportion as once of the electorate.

Leader-following, a habit which ensures voting without the trouble of thinking, has never been a Liberal trait. The financier and professor cannot appeal to the yokel with the prescriptive right of the squire, or to the country with the name of a Cecil or of a Stanley. The Liberal *monde comme il faut* has yet offered its enlightened services to represent the downtrodden against irrational privilege. Liberalism does not believe in a privileged class. But does it not believe that 'the many' should be represented by those who are not 'the many?' The worker tends to view the Liberal merchant as allied with the ancient orders in their wealth if not in their glory. He prefers to be represented, if direct democracy is impossible, not by an emancipated gentleman as his guardian, but by a man of his own interests as touching social and financial status. Owing to the unfortunate churlishness of the working-class elector, the intelligent Liberal candidate tends to be left in the rather ludicrous predicament of a 'superior person.' The Liberal as Radical has appealed to the sentiment of discontent with 'the system,' with wardship, with 'our betters,' and by the spirit which he has raised up the Liberal as Whig and 'educated gentleman' is destroyed. The Liberal Party lacks strength because of an inability to lead and represent those who are of themselves not 'naturally Liberal.' No one class can emotionally represent another, and the Liberal attitude has itself encouraged disrespect for nonrepresentative leadership.

In brief, the Liberal has for the moment failed to solve the



problem of the balance of power because, on an occasion when power is demanded and can be grasped by a class of which the several members have the education to understand that they are too weak, by wealth, by influence and by mental sharpness, to stand each alone, the Liberal party has continued to preach the social adjustment which of old favored the clever bourgeois and the exceptionally talented youth, that of Individualism. Now the industrial worker, in order to develop his individuality and to execute his will in his small but increasingly ambitious way, does not want an astral system of mutually independent meteors. For, even if by some preëstablished harmony the greater orbs do not pulverize the smaller, these latter will remain luminaries of but microscopic magnitude. The *popolo minuto* would willingly chain each body in the political system in its orbit, including its own members, so be it that these, if they did not shed themselves much light, might at least enjoy the sun's warmth.

Moreover, the Liberals, while acclaiming the power of the economic democracy, have sought to represent it by those who are not of that Democracy, and thus have raised, perhaps irrationally enough, the doubt as to whether the interest of the typical Liberal and that of this democracy are coincident, and whether the social balance which each would strike is the same.

This illustration from English contemporary politics has been introduced in order to afford a lesson in political realism and to demonstrate the meaning of the doctrine of power and of the balance of forces. It is sufficient if it has been indicated, both by this illustration and by the general argument, that the fiction of a standard unit, a 'political man,' inspired by a constant will to execute an inconstant desire, may prove exceedingly valuable as an organon of political interpretation. The politician, like the natural scientist, is entitled to make a Noah's Ark world for his own convenience. But the value for science of a fiction without categorical force is small. It may then be suggested that psychology (and, so far as a layman can see, perhaps biology) can make few more valuable contributions to politics than if it can

## THE MEASUREMENT AND MOTIVATION OF ATYPICAL OPINION IN A CERTAIN GROUP<sup>1</sup>

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### I. A METHOD FOR MEASURING PUBLIC OPINION

Terms denoting political attitudes, such as 'conservative,' 'liberal,' 'radical,' and 'reactionary,' have long been familiar both in popular usage and in the language of political science. Though sufficiently understood for ordinary discourse, their use is likely to lead to a confusion between a political opinion and the type of person who holds the opinion. There is considerable agreement as to what is meant by a radical view; but is there such a thing as a radical type of personality? If there is, we need a method for the measurement and identification of such individuals. If not (and psychologists are becoming increasingly suspicious of type classifications), we must ask what psychological characteristics in individuals are the most likely to produce a radical trend in political and social convictions. The same observation holds for the other familiar attitudes upon public questions.

A logical procedure would seem to be, first, to measure the distribution of public opinion in a representative sample, and secondly, to select from the various regions of this distribution (conservative, radical, and the like) a sufficient number of individuals for detailed study of the motives and traits of their personalities which give rise to the opinions they hold. This paper will be devoted to a preliminary report on the results of such a study.

The first step, namely, the measurement of the opinion of the

<sup>1</sup> Read in abridged form before the joint session of the American Political Science Association and the American Psychological Association, at Washington, December, 1924.

group requires a special technique. It will be clear that the conventional method of ascertaining opinion, the arbitrary vote for or against a proposal, is adapted for practical rather than scientific purposes. Carefully graded and standardized scales are needed for any measurement whether physical or psychological. In order to construct such a set of scales the following method was adopted. Seven concrete issues of current interest were chosen, dealing, respectively, with the League of Nations, the qualifications of President Coolidge, the distribution of wealth, the legislative control of the Supreme Court, prohibition, the Ku Klux Klan, and graft in politics. Sixty students, upper-classmen, were asked to write their personal views on the various phases of these questions. The resulting opinions on each issue were then carefully sifted and the distinct and relevant views were assembled. Keeping the issues separate, these views were printed on slips of paper and arranged independently by six judges, teachers of political science and psychologists, in order of their logical position in a scale ranging from one extreme on the issue in question to the opposite extreme. The average rank assigned to each statement was taken as its final rank in the completed scale.<sup>2</sup>

The scales, so constructed, were given out in quiz-section groups to the freshman class (College of Liberal Arts, Syracuse University) whose members were required to take the introductory course in "Responsible Citizenship." Instructions were given to each student to read the scale carefully, and check the one statement in each of the seven issues which most nearly coincided with his or her own view. With each issue there was provided a place for the student to check the *certainty* of his opinion on a graphic scale of five steps ranging from 'extremely uncertain' to 'extremely certain.' A similar scale was provided for checking the degree of *intensity of interest or feeling* upon the question concerned. The number of opinions obtained in this manner was, as an average for the various issues, 367.

The graphic representation of the results for the prohibition

<sup>2</sup> The complete set of scales will be found at the end of this article.

question (figure 4) will illustrate both the scale and its use as a means of measuring the distribution of opinion. The scale, the steps of which are represented along the base line, begins with the statement that "the present prohibition amendment and interpretative statute are satisfactory, and enforcement should be made more severe." This view is represented in column I, at the left; and the number of subjects accepting it, as shown proportionally by the height of the column, is 56, comprising a percentage of the entire group, of 15.5. At the opposite end of the scale, column XIII, we have the view that "the open saloon should be universally permitted." It has only two adherents, comprising 0.6 of one per cent of the group. The second statement, column II, is the same as the first, except that a *more uniform* enforcement is called for. Fourteen and seven-tenths per cent hold this view. The next statement, column III, calls for upholding the prohibition laws, since, though not wholly successful now, they will be successful in the next generation. This is the modal view of the class, having 28.9 per cent of adherents. The fourth step, suggesting that minor changes will be needed from time to time, was unpopular (1.1 per cent). Steps five and six uphold the *principle* of prohibition, though admitting that enforcement is difficult or impossible. With step seven we pass over from prohibition to the side of license. The dotted line indicates the point at which the shift in meaning occurs. Steps seven to thirteen represent, successively—state option (VII), home brew of wines and beers (VIII), government stores of wines and beers (IX), local option (X), beers and wines in cafés (XI), government stores for all liquors (XII), and the open saloon (XIII).

The graph as a whole pictures the overwhelming sentiment for prohibition within this group. It shows also the distribution upon all shades of opinion from one extreme to the other, the small pro-license minority arranging themselves in a little distribution curve of their own, which, except for column X, is practically normal.

The League of Nations issue (figure 1) splits the class into two modes, possibly upon party lines. The scale ranges from

complete adherence to a policy of isolation (column I), on the left, to not only joining the League but helping to abolish nationalism, and form a world state (column XII). The first mode (column II), comprising 39.7 per cent of the class, votes for Monroe Doctrine, friendly coöperation with other nations, and *staying out of the League*. Intermediate steps range through referendum votes, triple alliances, international conferences, World Court, entrance to League without responsibility under Article X, to the dotted line which brings us to entrance with full responsibility but upon authority of a referendum (VIII). The second mode (column IX), comprising 24 per cent, stands for unqualified entrance with responsibility, adjusting defects in the League after we enter.

Opinions on the qualifications of Mr. Coolidge for the Presidency (figure 2) are distinctly favorable. The scale ranges from "perfectly fitted for the office," on the left to "sure to bring with him a corrupt government" on the right. None held the latter view. The eulogy becomes milder up to column V, which includes those who think he had not yet had a chance to show his ability; the break to the atypical side coming at column VI which represents him as "a little too conservative." The opinions on this question were obtained before the presidential election.

The proposal of empowering Congress to overrule decisions of the Supreme Court on nonconstitutionality of enactments produces two distinct modes (figure 3). The scale ranges from "the proposal is a menace" (column I) to "Congress should have power to over-rule any decision of the Supreme Court" (column XI). The major mode centers in the view (column III), that "even though the Supreme Court has made mistakes, none of its power should be given over to Congress." The steps which group themselves about the minor mode represent, successively, a two-thirds decision of the Court on nonconstitutionality (VIII), modification of the Supreme Court (IX), and full adoption of the La Follette plan (X).

The scale on the question of distribution of wealth (figure 5) ranges in five steps from praise of an extreme individualistic and capitalistic scheme (column I) to the utmost socialism and

paternalism (column v). The overwhelming mode (65 per cent) takes the view of recognizing a problem in the present status, but opposing government ownership, and favoring equal distribution of opportunity rather than of wealth. We shall return later to a closer analysis of opinion upon this issue.

In figure 6, relating to the seriousness of the corruption in government disclosed by the recent oil scandals, the curve approaches more nearly than any other to the normal type of distribution. The mode (iii), comprising 47 per cent of the subjects, represents the opinion that there has been a limited amount of corruption, bringing out weak points in our system of government, but that neither the government as a whole, nor the major political parties, are thereby discredited.

The attitudes in regard to the Ku Klux Klan (figure 7) are widely distributed. A distinct mode, at the extreme left, (i) believes the Klan a menace, and needful of suppression. Steps four to seven, inclusive, show a large number, more tolerantly disposed, who believe the Klan unAmerican (iv), unAmerican, but not as bad as painted (v), unwise in its methods (vi), or in a class with other fraternal orders needing legal regulation (vii). A small minority believe it useful (viii), necessary (ix), or absolutely right (x).

With these pictures of the 'lay' of opinion before us we may now select whatever portions are of interest for intensive study. Our present treatment deals with the extremes of the scale, sometimes spoken of as reactionary and radical, respectively. These groups are also those whose opinions are in the minority.<sup>3</sup> For this purpose we shall classify them both under the more general term of *atypical opinion*. Some of the more general symptoms of 'atypicality' at the extremes will first be shown. We shall then proceed to a closer study of the personnel which is atypical upon a single issue, namely, the distribution of wealth. This question was selected both for its traditional significance in radicalism and because it gives us a body of sharply distin-

<sup>3</sup> It should be remembered that in irregular curves groups holding minority views may be found also in an intermediate position.

guished opinion which is both atypical in frequency, and extreme in its logical content.

We wish to emphasize from the start the limits of conclusions to be drawn from the present data. A college group, of course, is not a representative sample of a typical community. The Syracuse group is also probably too homogeneous, and lacking in the clear-cut radical element to be found in other communities. Our purpose is merely to show the possibilities of the method and outline a few factors which we might expect, upon further investigation, to find operative in larger and more representative groups.

## II. GENERAL FACTORS UNDERLYING ATYPICAL OPINION: STRENGTH OF CONVICTION; SEX DIFFERENCES

One of the most interesting facts of motivation within our group is one which applies equally to the extremists at both ends of the scale. Let us begin with an *a priori* interpretation and test it later by the facts. First, it is a safe assumption that much, if not most, popular thinking is based upon emotional urges. Secondly, in any issue upon which the mass of people divide into opposing camps, there is probably some truth upon each side, otherwise so many 'reasonable people' would not be converted to one side or the other. The full truth, therefore, probably lies somewhere between the two extremes. Those who approach the very ends of the scale tend to single out one fact and exaggerate it at the expense of a more comprehensive survey of all relevant facts. The hypothesis that these persons are either very dull or ignorant can not be sustained. Another explanation must be found. It is suggested that the atypical extremists are actuated in their thinking by partially repressed emotional drives, and that they develop a method for concealing from themselves and others the fact that their opinion is determined rather by wishes than by the process of reason. Dogmatic certainty and moral conviction are the means adopted to offset, of course unconsciously, the challenge that so extreme a view as theirs should be carefully analysed. To put it another way, if one wishes to hold a certain belief which happens to be of an

extreme sort, one must have a strong conviction. Otherwise, one can not feel justified in holding the view in the face of the great majority who think differently. On *a priori* grounds we should expect, therefore, that those who stand at the atypical extremes would express the greatest degree of certainty in their opinions.

Now let us look at the facts. In the flat-shaped graph below each curve of distribution, we have plotted, beneath each step of the scale, the average certainty which was felt by the persons who chose the view represented by the step in question. The possible range of certainty scores is from 1 to 5; and the units of vertical distance express the position of the average point of certainty upon this scale.

Conforming to our expectation, we find in the question of the League of Nations (figure 1) that the two extremes, steps I and XII, show the highest certainty of opinion, the averages being 3.1 and 2.9 respectively. At the reactionary end we also find three successive certainty steps upward in direction opposite to the decreasing extremeness of views I, II, and III.

In the graph for the qualifications of Mr. Coolidge (figure 2), there is a slight but steady rise in certainty as we go toward the favorable extreme. The other extremity does not show the tendency, but it may be significant that the average level of certainty for the minority against Coolidge is higher than that of the favoring majority.

In the question of legislative control of the Supreme Court (figure 3), while the greater mode has the higher level of conviction, still our law of certainty toward extremes receives very clear support. Those who consider the proposal a positive menace, the reactionaries, are again of the highest certainty in their opinion. The curve drops for the modal column and rises toward the right extreme of the first mode. Toward the radical end, certainty again rises in four steps paralleling the increase in extremeness of the last five steps of the scale.

In regard to prohibition (figure 4), if we except column x, which is based on only one case, the strength of conviction is clearly lower in the mid-region of the scale and higher toward the extremes. Three well-marked certainty increases accompany the



trend toward absolute prohibition, and two run parallel with the tendency toward the open saloon.

In the distribution of wealth (figure 5); the reactionary wing express the highest confidence in their opinion, the score being 3.2. The radical extreme does not follow suit; but the great modal position yields less certainty than the two more radical steps just to the right.

Opinion on graft in politics (figure 6) carries at its extremes decidedly the strongest conviction. The step-wise increase is also suggested in columns III, II, and I.

In the curve for the Klan issue (figure 7) we find on the left extreme that three out of four places are high in certainty (though not regularly so); the middle is again low; and the four last steps, which favor the Klan and 100 per cent Americanism, show the usual regular increase of certainty.

We thus find evidence in support of our theory of the relation between atypical opinion and strength of conviction. Reactionary and radical, strong 'pro' and rabid 'anti' are alike in the fact that they are more certain in their opinions than those who lie at a mid-region of the scale. Some may accept our facts but not our interpretation, and say that the right opinion may really lie at the extreme, and therefore strength of conviction is justified. The man feels strongly because he knows he is right. To this we may answer simply that both extremes of the scale can not be right at the same time. Certainty of the kind here exhibited is not an index of objective truth, but an accompaniment of increasing distortion of truth through narrowed emphasis upon one phase. The man thinks he is right because he feels strongly.

An additional fact of some interest remains to be mentioned. The ratings given for intensity of feeling upon the various questions were found to correlate so closely with the ratings for certainty (coefficient above 0.90), that there was little to be gained by plotting separate distributions. Intensity and certainty go together. Intensity of feeling is thus shown to be correlated with increasing extremeness of view at both ends of the scale.

The political implications of these results, if verified by a

more extensive investigation, are not difficult to see. From the ranks of the atypical, because of their certainty and intensity of conviction, we may expect that there will appear, not only the most aggressive interest in the ballot, but also powerful leaders borne in upon some wave of extremist agitation. The well-known rule of minorities is thus elucidated by experimental findings.

After certainty of conviction, perhaps the most interesting condition of atypicality disclosed by our results is sex. Since a brief statement must suffice, it may be said that the women of the group avoided the extreme positions on the scale, and formed a higher distribution than the men at the mode or modes of the curve. The men predominated, in proportion to their total number, at both extremes. The only exception to this rule occurred in the prohibition question, where a distinctly greater percentage of women than men chose the end positions in defense of prohibition. The conservative tendency of the women was shown most strongly in the questions of legislative control of the Supreme Court and attitude on the Ku Klux Klan.<sup>4</sup>

### III. SPECIAL FACTORS OF PERSONALITY UNDERLYING ATYPICAL OPINION ON "DISTRIBUTION OF WEALTH"

In order to come nearer to an understanding of individuals representing different regions of the opinion scale, several group-test and rating forms were given to the freshman class at convocation hours. These included (1) a self-rating study of personality, covering, through the method of checking described degrees of the traits, such fields as home environment, economic status, religion, political opinions of parents, emotionality, ideals, vocational interests, self-reliance, leadership, attitudes toward the sexual relation, insight into self, and social and moral adjustments; (2) a study of personal attitudes (moralistic, conservative, optimistic, cynical, scientific, etc.) conducted through the checking of agreements or disagreements with statements expressing these attitudes in different fields of social relations; and (3) a modified form of Professor Woodworth's

<sup>4</sup> The sex differences shown in the results will be treated in greater detail in a subsequent study.

psychoneurotic inventory. Finally, individual interviews were conducted with three small samples of subjects representing respectively the reactionary, conservative, and radical points of view.

We shall discuss briefly certain results of the personality-rating study, referring to a few related findings from the other group-test material. The incidence of the various traits has been studied with reference to their frequencies, respectively, in the left extreme, the mode, and the right portions of the opinion curve for the distribution of wealth (figure 5). (a) The atypical at the left end of the scale represent the opinion that the present form of wealth distribution is fair and wise. The poor are necessarily poor because of inferior ability or laziness. Ability should be rewarded. Government ownership, or legislative control of wealth will bring chaos. For convenience, rather than with a sense of exactness, we may call this the reactionary position. (b) The great typical group of column II believe that the present system, though not wholly satisfactory, is the best so far devised. Government ownership would discourage initiative and foster corruption. Opportunity, but not wealth, should be equally distributed. This we shall call the conservative view. (c) The last three steps (III, IV, V) owing to the small number of cases at the extreme, have been combined into one group. These steps represent increasingly the policy of heavier taxation upon wealth up to the point (column V) of abolishing large fortunes, the increasing governmental control of utilities, and the equalization of reward for services. We may call this combination of steps the radical standpoint.

Unavoidable circumstances limited the number of cases to the following: reactionary group, 21; conservative group 125; and radical group, 35. Though this number is not large enough to be finally conclusive, it may be remarked that the distributions secured from the reactionary group, having only 21, appear to be as regular as those of the conservative group which contains 125 persons. A few of the more suggestive results appear in figures 8 to 16. Upon the base line are shown, by the small letters, the various degrees of the traits indicated, the maximum

indicated by a plus sign, the minimum by a minus sign. The three groups of individuals are represented as follows: the reactionary with a line composed of long and short dashes; the conservative with a solid line; and the radical with a short-dashed line. The vertical distances indicate the per cent of the group rating themselves as possessing the degree of the trait shown on the base line. The well-known and characteristic errors of self-rating must be borne in mind in the interpretation of these curves.

Figure 9 shows the religious tendencies of the three groups. The ordinate at *a* corresponds to the rating that 'religion plays a vital part in one's life;' *b* signifies only an 'occasional thought' about religion; while *c* is the position of those who take religion 'merely as a matter of form.' It will be seen, both by the large per cent of the radical group (short-dashed line) who rated themselves at *a* and the small per cent of the radical group rating at *c*, that for this group religion is a more vital thing than for either of the others. The conservatives stand next; while the reactionary group is lowest in its interest in religion. It should be emphasized that in the distribution of wealth curve the percentage of women who stand at the radical extreme is only slightly less than that of the men; whereas at the reactionary end the men are in marked predominance. This fact may partly account for the relatively low rating of the reactionaries in religious interest.

Figure 10 shows that both reactionary and radical groups rate themselves as distinctly less rapid in talking and walking than do the conservatives. They show, moreover, a similarity in figure 8, 'tendency toward emotionality,' where they both rate themselves as less emotional than the conservatives rate themselves. It is impossible, of course, to tell whether these ratings represent facts or psychological 'over-corrections.'

Radical and reactionary are also on the same side, rather than opposite sides, of the conservative in reliance upon their own opinion. Figure 11 shows a distinctly higher percentage of both these groups who form their opinions without reference to others (*a*), and a lower percentage who rely slightly (*b*), or considerably

(c) upon others for their thinking. The reactionaries are particularly self-reliant.

Figure 12 shows, however, a difference in the self-rating of the atypical groups on expansiveness (that is, the tendency to air one's opinions). The reactionary group follows the conservative distribution, while the radical element, strangely enough, considers itself as decidedly less expansive.

In regard for the approval of others, the reactionary portion again shows its more independent quality. In figure 13 this group is lower than the others in percentage who admit a continual (*a*), or a moderate (*b*), catering to the good will of others, and is higher in the percentage who do not care what others think about them (*d*). Whether genuine or compensatory in origin, this self-rating shows a tendency toward a personal ideal of social conduct which is highly suggestive.

Figure 14 pictures an attempt to measure degree of insight, or appreciation, of one's own level of intelligence, a trait which has acquired some significance in personality study. A rough comparison was made between the individual's self-rating (relative to the whole class) in general intelligence and his actual relative standing in score in the Freshman intelligence test. The ordinate at *a* shows the percentage of the group over-estimating their intelligence, at *b* those whose estimation was about correct, and at *c* those who under-estimated their intelligence. It is clear that the reactionary group have the poorest insight, the strongest predilection for over-estimating their ability, and the least likelihood of doing themselves an injustice. The radical group is somewhat better balanced, but still higher than the conservative, and therefore resembling the reactionary in over-self-evaluation. We may perhaps suppose that the very modest conservative element has full insight, with perhaps an exaggerated sense of inferiority for recognized defects; while the atypical element, particularly the reactionaries, repress their feelings of inferiority and assume a compensatory and over-correctional attitude of self-assurance. Further data are, however, required to substantiate this hypothesis.

The reactionary, as shown in figure 15, has the least objection

to being tested by psychological methods. The radical group is much more sensitive on this score, and shows the greatest reluctance; while the conservative group is intermediate.

Adjustment to the conventional moral code, plotted in figure 16, helps to confirm our suspicion that, in spite of certain differences, there is a similar foundation beneath the motives of reactionary and radical. It will be seen that both lie on the same side of the conservative in a smaller percentage who accept without difficulty the prevailing moral standards (*b*), and likewise in a greater percentage who consider themselves not bound by this code, but substitute their own notions of right and wrong (*d*).

There remain a few facts from the results of the group testing which are not shown in the charts. Owing to the tentative nature of the measurements of personality and interpretation available these findings are not presented in quantitative form, but are intended merely as suggestions. We may first mention those which differentiate the two atypical groups from each other. Failures to check estimates of certain traits may be regarded as due either to resistance against self-analysis or to lack of insight, that is to say, lack of the necessary knowledge of self. It is of interest that, taking the salient questions on personality as a whole, there was found to be a distinctly higher percentage of reactionaries who failed to give a rating of themselves than of either of the other groups. The scores made upon the study of attitudes show that the reactionary group tend to be scientifically minded, snobbish, and somewhat cynical. The radical group, on the other hand, are idealists rather than mechanists. They are inclined, as we have seen, to be religious. They stand low in the score on scientific attitude, and high in moralistic, meliorative, and optimistic outlook upon life. The feminine qualities, conspicuous in sex differences, probably contribute to this characterization. Radical and reactionary have in common the following features. A higher percentage of both radical and reactionary groups failed to answer the question as to what they thought of the physical relation of the sexes than did the conservative. In many cases the question was marked as "too personal." One question was concerned with whether

the subject believed he had the normal ability for making love, or whether he doubted his capacity. Among both reactionary and radical groups there was a higher ratio of the former to the latter than among the conservatives. The reactionaries especially, in the ratio of two to one, asserted their qualifications for the gentle art. The results suggest, but do not prove, the presence of an over-correction factor. Among the radicals 20 per cent failed to answer this question, 12 per cent considering it too personal. How far sex differences play a part in these results has not been ascertained. The cases studied by personal interview suggest that mental conflicts may provide the unrecognized forces behind atypical opinion at both reactionary and radical extremes. Finally, radical and reactionary agree in having a greater tendency than the conservative to differ from what they conceive to be the political views of their parents.

#### IV. SUMMARY: THE PROBABLE MEANING OF ATYPICALITY

To return now to the problem stated at the opening of this paper, we may inquire, what are the psychological characteristics of individuals which lead them to adopt extreme social and political views. Our procedure has been, first, to measure and describe the distribution of opinion within a group; and secondly, to submit to psychological analysis individuals representing various regions of the logical scale and various degrees of typicality in the frequency of their views. The words reactionary, conservative, and radical have been used only to denote these positions upon the scale, and have not presupposed the existence of types bearing these names. This procedure has been justified by the results, for it seems that both the reactionary and radical, far from being considered as diametric opponents, are better understood by placing them in one group, which we may call the "atypical." That is, while there are characteristic differences between the two, there are fully as striking resemblances.

It must, of course, be remembered that our group was not sufficiently heterogeneous. The radicals may have been radical-sympathizers merely, and the reactionaries were few and over-balanced on the male side. The following conclusions, therefore,

even though stated in general terms, must be taken to refer only to this group, and to serve as suggestions for further investigation.

The kindred nature of the reactionary and radical elements of our opinion curves is evidenced by the following facts. They lie upon the same side, rather than a-straddle, of the conservative group in self-rating on emotionality, rapidity, and self-reliance, in over-estimation of mental ability, possible over-estimation of capacity for making love, failure to react when asked whether they approved of or were averse to the sexual relation, lack of agreement with the conventional moral code, tendency to deviate from the views of their parents, and certainty and intensity of conviction upon a political issue. Additional agreement was found in the attitude study, not reported here in detail, in which radicals checked a number of reactionary items, and reactionaries checked a portion of the radical statements. The profiles show that they share one another's attitudes on diverse questions more fully than the conservative shares the attitudes of either. The atypical individual, in other words, may be reactionary or ultra-conservative in some things and radical in others. In the interviews certain recognized motivations of personality were seen to lead in some cases to the reactionary view, and in some to the radical, according to chance influences and the conditioning of these tendencies in the social environment.

Such apparent contradictions are familiar to most of us. Saul, the violent reactionary, was changed by conversion to Paul, the apostle of a radical gospel. The Ku Klux Klan, violently reactionary in principle, is violently radical in method. Wealthy and aristocratic persons, ultra-conservative by tradition, often become the champions of an agitation against the existing order. An ex-college president of note would radically alter and democratize our present educational system; yet in so doing he would go back for his models to the Athens of Pericles and the cloistered refinement of Epictetus.

It would be unfair, however, to leave unnoticed the differences between individuals likely to take the reactionary view and those prone to radical opinion. The study of mental conflict has taught us to expect irreconcilable differences within the same



person. The reactionary believers of our group are mainly 'tough-minded,' and mechanistic. They exceed the radicals in ratings of self-reliance and self-sufficiency, in certainty as shown in the opinion curves, and in lack of insight into their abilities and traits. Their opinions seem to be more decided, and their attitudes more pronounced. They remind us perhaps of the dogmatism of the Fundamentalist, of the 100 per cent American, and of some boards of censorship.

The radicals of our group seem more retiring in nature. They are tender-minded, religious, more aware of their inner motives and conflicts, less self-assertive, more 'touchy' in personal matters, more moralistic and meliorative, and more sensitive to the opinions of others.

These differences remind us forcibly of a human contrast widely recognized by psychopathologists. Psychoanalysts divide their patients into *extroverts* and *introverts*. Although we have avoided type classifications, we may perhaps recognize in our reactionaries certain traits which coincide with those described for the extrovert; and in our radical we may discover the characteristics of the analysts' introvert. If extroversion and introversion are simply different ways in which people resolve their mental conflicts, does it follow that the common basis we have found for reactionary and radical is really the existence of conflicts underlying the thinking of each? It is the purpose of the present paper to raise this question—but not to answer it.

The opinion scales employed in this study are reproduced below.

#### 1. THE LEAGUE OF NATIONS QUESTION

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your own opinion.

- ..... We should uphold the Monroe Doctrine and our traditional policy of isolation from all foreign entanglements. We should stay out of the League of Nations.
- ..... The Monroe Doctrine should be upheld for it does not demand isolation, but only that we do not dictate to Europe, nor they to us. We should show friendly cooperation with other nations, but should stay out of the League of any definite organization of powers.

- ..... We should uphold the Monroe Doctrine and stay out of the League of Nations, but this should be ratified by a referendum vote of the people.
- ..... We should enter an Alliance with two or three strong powers to preserve world peace, and participate only in affairs which concern us. Let the small nations squabble among themselves.
- ..... We should discard the Monroe Doctrine and enter into a conference with other nations, but should ~~not~~ enter the "League of Nations."
- ..... We should participate in a World Court with commercial boycott and ostracism as a penalty to enforce its decisions.
- ..... We should participate in the League, but should not assume its full responsibility for preventing aggression of one country upon another.
- ..... We should join the League with full responsibility to prevent aggression; but should first obtain sanction for this step by a popular referendum vote.
- ..... Though the League has its defects, they can be adjusted after we enter. The United States should join with full responsibility, for our cooperation is absolutely necessary to the perfecting and the operation of the League. We can be of great service to the world by entering.
- ..... Opposition to the League is based on party politics. We should join the League with full responsibility. It sounds like a radical step; but there would really be no need of force to prevent aggression, for arbitration and moral compulsion would suffice to settle disputes.
- ..... The League of Nations is the best possible solution of world problems, and will absolutely prevent future wars. We should join at once with full responsibility.
- ..... We should not only join the League, but should work toward the ideal of doing away with the sovereignty of separate nations, and of establishing a super-government, or world-State.

## 2. THE QUESTION OF THE QUALIFICATIONS OF PRESIDENT COOLIDGE

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your opinion. Mark only one item.

- ..... Coolidge is perfectly fitted for the office of President of the United States.
- ..... Coolidge is the best man we could find for the office today.
- ..... Although Coolidge has been a very good President, he can not be compared with our strongest Presidents.
- ..... Coolidge is better than the men nominated by the other parties.
- ..... Coolidge may be the right man, but he has not yet had sufficient chance to prove it.
- ..... Coolidge is a little too conservative.
- ..... Mediocre is the word that sums up Coolidge's qualifications for President.
- ..... Coolidge favors the financial interests too much.
- ..... Coolidge is controlled by a band of corrupt politicians.
- ..... A man such as Coolidge is bound to bring with him a corrupt government.

## 3. THE QUESTION OF DISTRIBUTION OF WEALTH

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your own opinion. Mark only one item.

- ..... The wealth of this country is at present distributed fairly and wisely. Wage earners get a perfectly fair deal. The poor are necessarily poor because of low mentality, and lack of ambition and thrift. Intelligence and ability to make money should be rewarded. There should be no government control or ownership of public utilities. Attempts at legislative control of wealth distribution will result in chaos.
- ..... The present status of wealth distribution is not wholly satisfactory, but none of the proposed methods will remedy it. Government ownership or control is unwise both because of individual differences of ability and the corruption which would result. Opportunity, rather than wealth, should be equally distributed.
- ..... We should devise a plan to get at more of the taxable wealth of the rich. The poorer classes should be favored, though not relieved of all taxation. The income tax is satisfactory; the inheritance tax should be heavier. The government should limit the profits to capitalists who own the railroads, and should own and operate some public utilities but not all.
- ..... Monopolies and holders of franchises are robbing the people. Taxes on both incomes and inherited fortunes should be *more than proportionally* heavy for the rich. The government should gradually come to own and control all public utilities. We should approach equality of remuneration for all kinds of services.
- ..... Concentrated wealth gives great power which should belong to the government alone. The amassing of fortunes beyond a certain limit should be *prohibited by law*, and the money returned to the people. There should be very heavy income and inheritance taxes, rapidly approaching 100 per cent for the greater fortunes. The government should own and operate all public utilities and natural resources. The poor should be almost entirely relieved of taxation. Wealth should be equally distributed.

#### 4. THE QUESTION OF LEGISLATIVE CONTROL OVER THE SUPREME COURT

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your opinion. Mark only one item.

- ..... It is proposed that Congress be given the power to set aside decisions of the Supreme Court as to the constitutionality of laws passed by Congress.
- ..... This proposal is a menace to the very foundations of our government.
- ..... The proposal is one of those socialistic dreams which would absolutely never work.
- ..... Even though in some cases the Supreme Court has been wrong, none of its power should be given over to Congress.
- ..... This plan, if put into effect, would result in much hasty and unwise legislation on the part of Congress.
- ..... The proposal is nothing more than a vote getter directed at the unintelligent voter.
- ..... Affairs will remain about the same whether or not such a plan is put into effect.

- ..... If the Supreme Court continues to grow more conservative, some such plan will be necessary.
- ..... A two-thirds decision on the part of the Supreme Court should be necessary in order to declare a law passed by Congress unconstitutional.
- ..... The Supreme Court should be so changed as to make it more representative of the will of the people.
- ..... The plan proposed should be adopted since it does not take all power away from the Supreme Court, but only that part over which Congress, as direct representative of the people, should have control.
- ..... Congress should be able to over-rule any decision of the Supreme Court.

#### 5. THE PROHIBITION QUESTION

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your opinion. Mark only one item.

- ..... The present constitutional amendment prohibiting alcoholic liquors and the law interpreting this amendment are both satisfactory: enforcement should be made more severe.
- ..... The present amendment and interpretation are satisfactory, but a *more uniform* enforcement is necessary.
- ..... The laws at present are not wholly successful, but they should be upheld since they will be successful after a generation of education and enforcement.
- ..... The laws are on the whole acceptable, but minor changes will be found necessary from time to time.
- ..... Prohibition is correct in principle and although it cannot be completely enforced, should nevertheless be retained.
- ..... Though prohibition is good in principle, it cannot be enforced, and therefore is actually doing more harm than good.
- ..... It should be left to the separate states to decide whether they wish to permit the open saloon.
- ..... The making of wine and beer in the home for strictly private use should be permitted.
- ..... Stores, under government control, for the sale of wines and beer not to be consumed on the premises, should be permitted.
- ..... It should be left to counties, townships, or cities whether they wish to permit the open saloon.
- ..... The sale of light wines and beers should be permitted in licensed cafes and restaurants.
- ..... Stores, under government control, for the sale of moderate quantities of any alcoholic liquors should be permitted.
- ..... The open saloon system should be universally permitted.

#### 6. THE KU KLUX KLAN QUESTION

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your opinion. Mark only one item.

- ..... The Klan is wrong in principles and methods and should be denounced by political parties; steps to suppress it should be taken by the government.

- ..... If the Klan grows stronger, steps should be taken against it.
- ..... The Klan is a farce.
- ..... The Klan because of its methods does not deserve the support of the true American.
- ..... The Klan may be un-American in some respects, but it is not as bad as it has been painted.
- ..... The Klan is right in its principles; but in general its methods in the past have been unwise.
- ..... The Klan is as sincere in its purpose and has as much right to exist as the Masons or the K. of C.'s; but should be restrained from overstepping its legal rights, as should other organizations.
- ..... The Klan methods, severe though they are, are necessary in order to combat secret orders which are trying to dominate American public life.
- ..... The Klan has been misrepresented: it supplies a need in American—law enforcement.
- ..... The Klan is absolutely correct in principles and methods.

#### 7. THE QUESTION OF GRAFT IN POLITICS

Place a cross (x) on the dotted line before the *one item* which most nearly expresses your own opinion. Mark only one item.

- ..... The recent exposures in the "Oil scandal" and similar cases show that the moral fiber of our government is rotten to the core. It is due also to the ignorance and low moral condition of the people. Practically all officials are corrupt. Those put out of power were only those who were caught.
- ..... The recent political scandals show widespread but not complete corruption. Political parties are often run by corrupt men. The system of government is also at fault. We must prevent a recurrence, otherwise the people will lose faith in the government.
- ..... The scandals indicate a limited amount of corruption, and bring out certain weak points in our system of government; but they are not of major consequence and do not wholly discredit either our parties or our government. Investigation is of course warranted.
- ..... We will always have a certain amount of graft in politics owing to *human nature*. We do not need to be especially apprehensive since the evil was limited to a small number of malefactors who are now out of power.
- ..... The whole affair was of trivial consequence. It was greatly exaggerated by newspaper publicity and by being made capital for political campaign speeches. It should be speedily forgotten.

The following scale of certainty and intensity of conviction was given accompanying each opinion scale:

Place a check above the item which applies to your answer:

A.....				
Extremely uncertain; little more than a guess	Rather uncertain	Moderately certain	Fairly firm belief	Extremely certain conviction

Place a check above the item which applies to your answer:

B.....

I have practically no personal interest or feeling on this issue: my opinion is given indifferently.	My opinion is given with only moderate personal interest in the issue.	I feel <i>very</i> strongly upon this subject. I am intensely interested in seeing the policy I have marked be put into effect.
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FIG. 1 LEAGUE OF NATIONS

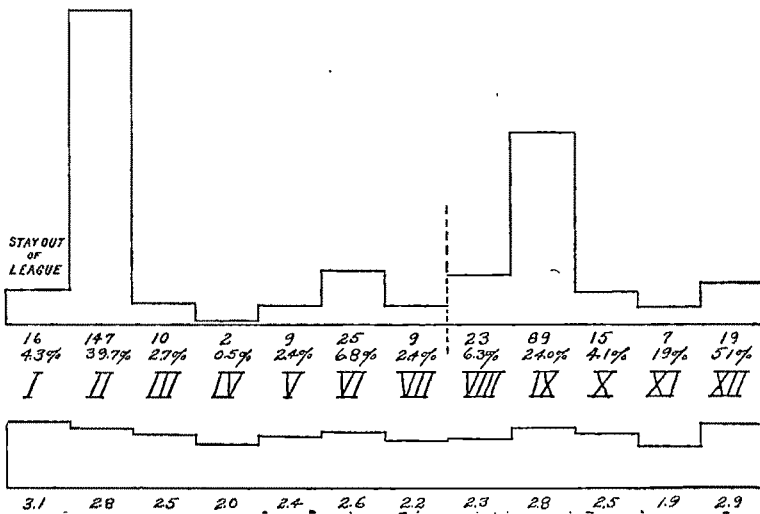
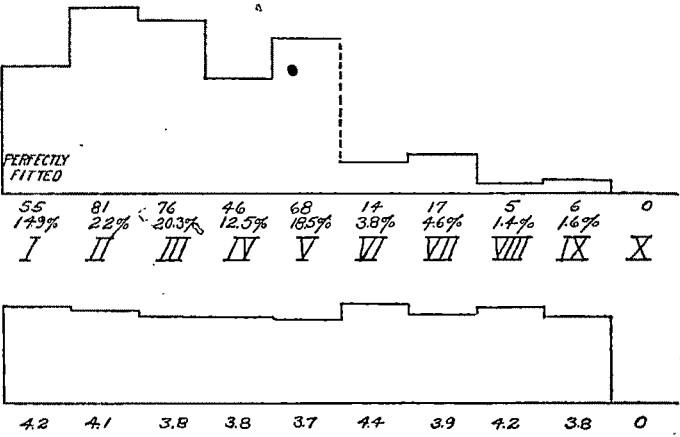


FIG. 2 QUALIFICATIONS OF COOLIDGE



LEGISLATIVE CONTROL OVER SUPREME COURT  
FIG. 3

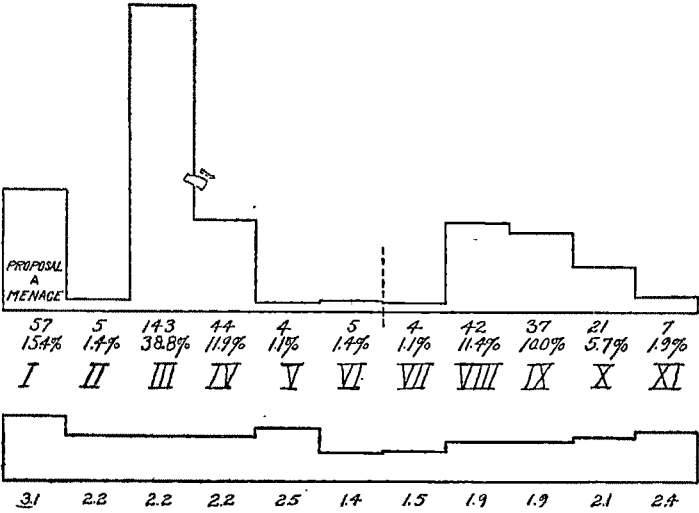


FIG 4

PROHIBITION QUESTION

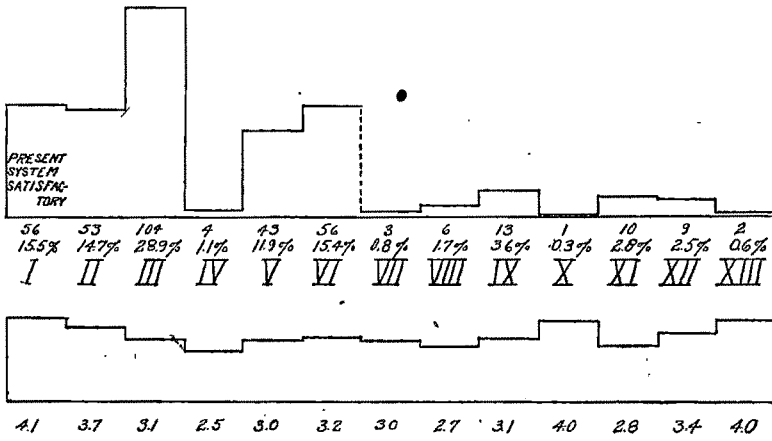
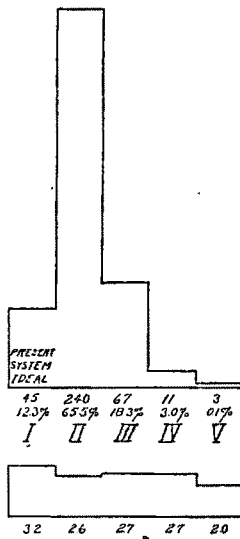


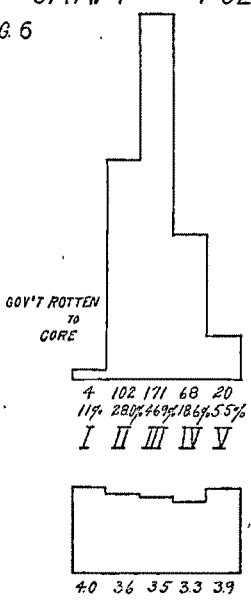
FIG. 5

DISTRIBUTION OF WEALTH





GRAFT IN POLITICS  
FIG. 6



KU KLUX KLAN  
FIG. 7

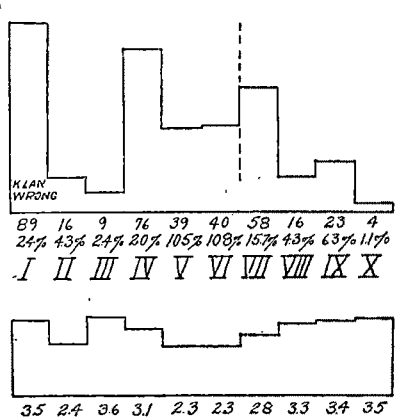
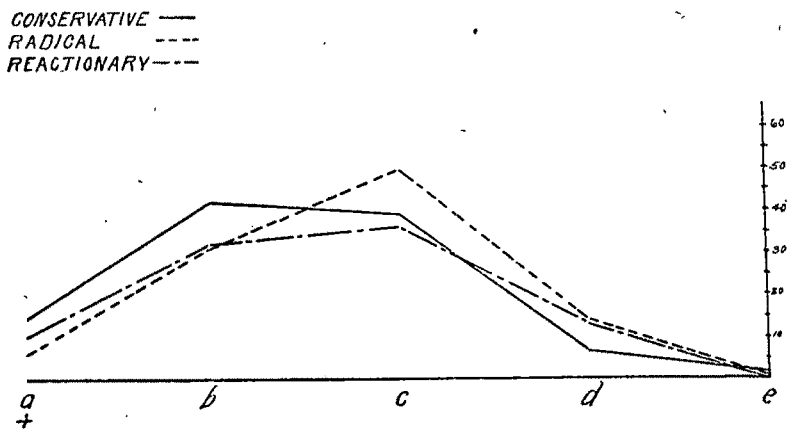
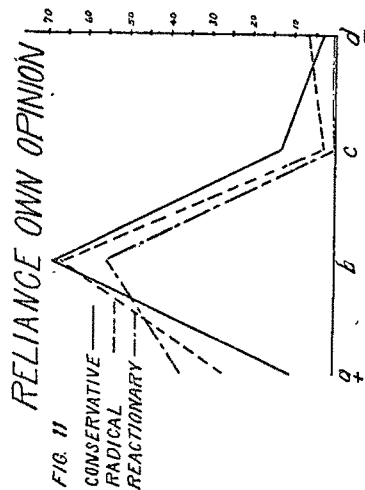
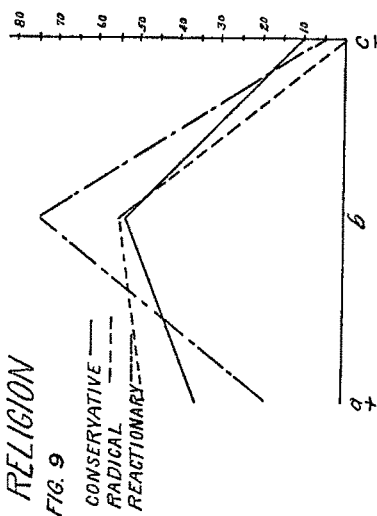
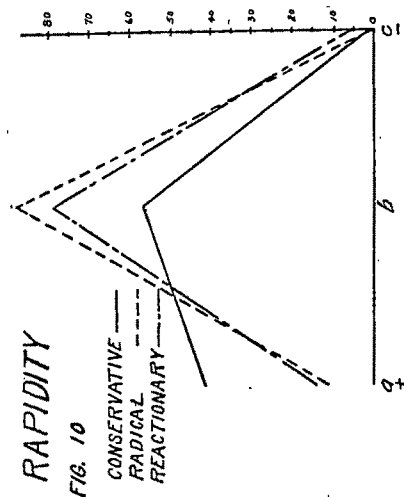


FIG. 8

EMOTIONALITY





**RAPIDITY**

**FIG. 10**

CONSERVATIVE —  
RADICAL - - -  
REACTIONARY ···

INSIGHT AS TO INTELLIGENCE

REGARD FOR OPINIONS OF OTHERS

FIG. 13

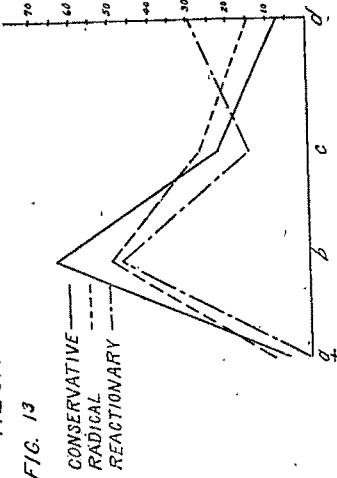
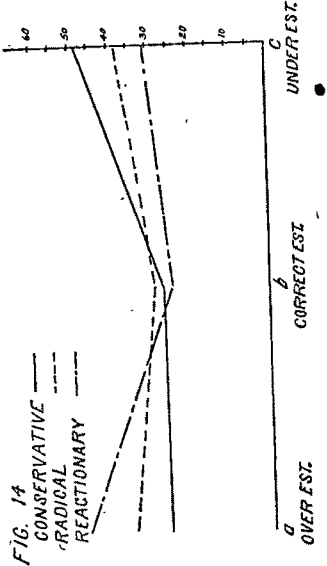


FIG. 14



WILLINGNESS TO BE TESTED

FIG. 15

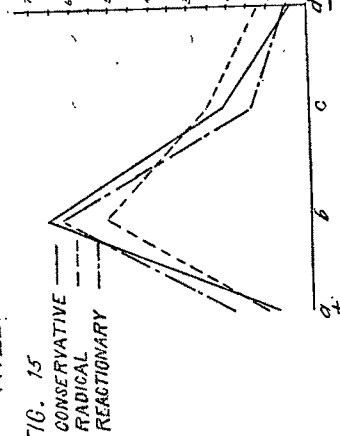
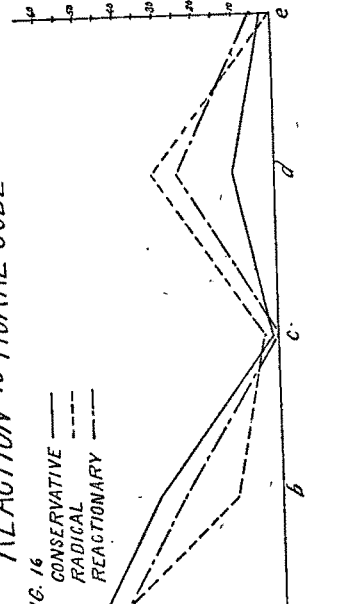


FIG. 16



## AMERICAN GOVERNMENT AND POLITICS

### FIRST AND SECOND SESSIONS OF THE SIXTY-EIGHTH CONGRESS

December 3, 1923 to June 7, 1924; December 1, 1924 to March 4, 1925<sup>1</sup>

LINDSAY ROGERS

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The Sixty-eighth Congress had only two sessions. Not since the Sixty-fourth Congress (1915-17) had members enjoyed such lengthy vacations, for, of the Congresses since 1900, seven have had special sessions. This now seems to be the rule rather than the exception, so numerous and technical are the problems that confront the national legislature.

**The President and Congress.** Four months before the Congress met, Mr. Harding died and Mr. Coolidge succeeded to the Presidency. The first session ran its course under the shadow of the approaching Presidential election. It was almost at once obvious that Mr. Coolidge would be the Republican nominee and that the campaign would be in large measure based on his personal character and achievements, for he, the argument went, was in no wise responsible for the scandals of the Harding administration.

The Congress, however, was one in which the Republicans had only nominal majorities. Fifty-one Senators were Republicans, but among them were LaFollette, Norris, Ladd, Brookhart, and Frazier, and these with the two Farmer-Laborites could give the opposition fifty to forty-six Republican votes. In the House of Representatives, the balance was as follows: Republicans, 225; Democrats, 205; Farmer-Labor, 2 and Socialist, 1, but there was a group of Progressive insurgents which numbered seventeen and which could reduce the nominal Republican strength to 208.

These shadow Republican majorities made improbable any effective leadership from the White House; but, during the two sessions, the

<sup>1</sup> For previous notes on the work of Congress, see *American Political Science Review*, vol. 13, p. 251; vol. 14, pp. 74, 659; vol. 15, p. 366; vol. 16, p. 41; vol. 18, p. 79.

defeats which the President sustained were attributable to a revolt of his own supporters rather than to the strategic position of those who held the balance of power in the House and in the Senate. During the first session, indeed, with Mr. Coolidge certain to be the chief plank in the Republican platform, hardly an opportunity was lost to ignore his recommendations or to defeat him when the issue was joined. The Senate refused to consider American entrance into the World Court in spite of several urgent requests from the Executive. The bonus for ex-soldiers was passed over his veto; the Japanese exclusion clause was put in the Immigration Bill against his protest; the Mellon tax plan was badly mutilated and the publicity feature was inserted in the law in spite of a veiled threat that the Executive would veto it—a threat which was not made good. At the short session, after the election, when Mr. Coolidge had received an unmistakable mandate from the country, the Congress, against the wishes of the President, raised the salaries of its own members; the Senate again refused to consider American entrance into the World Court; and the Executive's agricultural recommendations were almost completely ignored. Even at the special session of the Senate of the Sixty-ninth Congress when the Republicans had a real instead of a paper majority, a cabinet appointment was rejected for the first time in sixty years.<sup>2</sup>

<sup>2</sup> The nomination to the cabinet which was rejected was that of Charles B. Warren as Attorney General. It had been sent to the Senate by President Coolidge on January 10, 1925, but action was postponed because a contest was certain and because the time of the Senate would be fully taken up with legislation. The objections to Mr. Warren were that he had been too closely associated with the Sugar Trust. The name was resubmitted to the Senate at the special session on March 10 and a 40-40 tie vote (Vice-President Dawes enjoying a siesta and being absent inadvertently) prevented the confirmation. Two days later the name was resubmitted and after an acrimonious debate was rejected by a vote of 46-39. Although the President positively said that he would offer Mr. Warren a recess appointment, he gave way quickly and submitted the name of John G. Sargent as Attorney General. It was the most stinging rebuke that any President had received in many years. The six previous cases of Senate refusal to confirm nominations to the cabinet were following:

Roger B. Taney, subsequently Chief Justice of the United States, was rejected in 1834 as Secretary of the Treasury under Jackson; Caleb Cushing, nominated by President Tyler to be Secretary of the Treasury, was rejected in 1843, but twelve years later became Attorney General; James M. Porter of Pennsylvania, nominated by President Tyler to be Secretary of War, was rejected in 1843, and another Pennsylvanian, William Wilkins, was named; David Henshaw of Massachusetts, nominated by President Tyler to be Secretary of the Navy, also received an unfavorable vote; Henry Stanberry was rejected when named by President Johnson in 1866 to be Attorney General.

These setbacks, however, affected slightly if at all the hold that Mr. Coolidge has upon the country. There are probably a number of reasons for this, but not the least influential are the almost solid support that he receives from the business and financial interests of the nation and the fact that he has enjoyed more space in and suffered less criticism from the newspapers than any of his predecessors in office.<sup>3</sup>

**The Organization of Congress.** The Congress met on December 3 but a Speaker was not elected until December 5. The delay was caused by an insurgent movement against readopting the rules of the Sixty-seventh Congress. It was finally agreed that if the insurgents would permit the organization of the House, the rules of the Sixty-seventh Congress would be adopted for thirty legislative days only and that, on January 14, the House would be given the opportunity of a free consideration of possible amendments. Mr. Gillett was thereupon elected Speaker.<sup>4</sup>

There was a fight in the Senate over whether Senator Cummins, the President pro tempore should also be chairman of the committee on

<sup>3</sup> At the first session the President vetoed three bills; the Bonus Bill (repassed over his veto); the Bursum Pension Bill (veto sustained in the Senate); and the Edge Bill for the increase of the salaries of postal employees. This was disapproved because it did not raise the necessary revenue and consideration of the President's action was postponed until the short session when the measure, amended to include an increase in postal rates, became law. This amendment was inserted in the Senate, and the House on February 3, 1925 returned the bill on the ground that the Senate had violated the House prerogative of originating bills to raise revenue.

On January 29th the Senate (71-3) adopted as a rider to the postal pay increase bill an amendment offered by Senator Walsh of Massachusetts setting up a Federal Corrupt Practices Act. In the House the bill was passed under suspension of rules (*see below*).

There were no presidential vetoes during the short session of the Congress.

<sup>4</sup> On February 27, 1925, Representative Nicholas Longworth of Ohio was nominated for Speaker by the Republican caucus of the House and will be elected by the Sixty-ninth Congress. In February and in March the regular Republican organization of the Senate and the House decided on committee assignments which would ignore the insurgents in both bodies and give them only minority places on the various committees. Senators Ladd and LaFollette were deprived of chairmanships and LaFollette was dropped to the bottom of the powerful Finance Committee. Senator George H. Moses for New Hampshire was elected President pro tempore vice Senator Cummins of Iowa who retired. The committee assignments were made after an increase by one in the membership of the more important standing committees in order to give each senator two major committee memberships.

interstate commerce. All other committee assignments were agreed to on December 10 but the interstate commerce chairmanship was not settled until January 9 when the Democrats and the Progressive Republicans elected as chairman, the ranking minority leader of the committee, Senator Ellison D. Smith of South Carolina.

A number of proposals to change the rules came before the House on January 14, 1924. Three important changes were made. The House may now discharge a committee from consideration of a bill by a majority vote on a motion signed by one hundred and fifty members. Reports from the committee on rules may in the future be called up after nine days by any member designated by the committee and their consideration is no longer dependent upon a favorable attitude by the chairman. The third change was the elimination of clause 3 of rule xxi of the House which provides, "No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such a bill be in order which does not directly relate to the item to which the amendment is proposed."<sup>5</sup>

**Special Orders.** During the Congress the House made some use of special orders from the committee on rules for the consideration of legislation. These special orders may be reported by the rules committee at any time; they usually limit both amendments and debate and they make it certain that the House will take action at a time and in a way determined upon by the leaders. The use of special orders is on the increase. In the first session of the Sixty-first Congress only four measures were brought before the House by the committee on rules under special rather than general procedure. In the Sixty-third Congress there were only six special orders; but by the Sixty-seventh Congress much of the important business was regulated by the rules committee with the opportunity for debate and amendment seriously curtailed.<sup>6</sup>

At the second session of the Sixty-eighth Congress the committee on rules reported eight special orders on the following matters: H. R. 745, a bill to establish migratory bird refuges; H. R. 7190, an amendment of the China Trade Act, 1922 (Public No 484); H. R. 11282, increasing

<sup>5</sup> For a detailed consideration of the reasons for and the effects of these changes in the rules see *Political Science Quarterly*, Supplement, Record of Political Events, March, 1925, pp. 66-70.

<sup>6</sup> For the matters on which special orders were reported in the Sixty-seventh Congress and the first session of the Sixty-eighth Congress, see *ibid.*, pp. 69-70.

the limits of costs of certain naval vessels (Public No. 399); H.R. 11472, authorizing public works on rivers and harbors (Public No. 585); H.R. 11957, authorizing the modification of visé fees (Public No. 464); H.R. 12348, creating the Federal Coöperative Marketing Board. There were also special orders on S. 2287, permitting the New York Port Authority to acquire the Hoboken Manufacturers' Railway (Public No. 479); and on H. J., Res. 68, amending the amending clause of the federal Constitution (Garrett-Wadsworth Amendment); but the special order was not voted on and the resolution did not go before the House.

The committee on rules reported a resolution (H. Res. 433) making it in order to suspend the rules on February 10, 1925 under the provisions of Rule xxvii. Mr. Snell, chairman of the rules committee, said that there was nothing unusual about the proposition. In the Sixty-sixth Congress, the soldiers' bonus and the good roads bill had been passed under the suspension of rules; in the Sixty-seventh Congress the bonus was again passed under suspension;<sup>7</sup> in the Sixty-eighth Congress the public buildings bill and the veterans' reorganization and hospitalization measures had been so enacted.

In respect of postal employees, on September 19, 1919, their pay had been increased under suspension; on June 3, 1922, another increase in pay and a general reclassification of the service had been agreed to under a suspension of rules; the bill then pending (it had been vetoed by President Coolidge) had been passed with the rules suspended at the first session of the Sixty-eighth Congress. Of course the point was that if the rules were suspended the House was forced to vote for the increase of postal rates at the same time that it was voting for an increase in salaries. The bill could not be amended and members who opposed an increase of rates had to accept it in order to approve of larger salaries.

The House passed the resolution by a vote of 245-97. Not a sufficient number of members demanded a record vote. The postal bill was also passed without a record vote and then the House, suspending the rules, proceeded to pass the agricultural credits bill (H.R. 12000), the deportation of aliens bill (H.R. 11796); and a measure (H.R. 151) providing for increased appropriations for federal experiment stations in each state of the Union. This had been recommended by the President's agricultural commission. In no case was there a record vote.

<sup>7</sup> See *American Political Science Review*, vol. 15, p. 80.



**The Legislative Record. *First Session.*** The Congress was notable for the number of investigations that it made into the work of the executive departments. The chief inquiries concerned the department of justice, the naval oil leases, and the veterans bureau. The most important legislation was the Tax Revision Law which was based on the Mellon proposals. These, however, were considerably changed. Smaller reductions in the upper brackets and larger reductions in the lower brackets were made than were originally proposed. Other laws were the Rogers Act reorganizing the foreign service; the Immigration Act fixing the quota at two per cent of the number of foreign-born persons in the United States as determined by the 1890 (instead of the 1910) census. A joint resolution submitting to the states a constitutional amendment giving Congress authority to limit, regulate and prohibit the labor of persons under eighteen years of age passed the House on April 26, 1924 and the Senate on June 2.<sup>8</sup>

***The Second Session.*** During the short session several important measures became law: a bill amending the revenue act of 1924 in respect of waivers of limitation in refunds; a bill providing for the refunding of the debts of Lithuania and Poland; a bill amending the patents and trade-marks act; a bill for the conservation and production of helium gas; a bill to amend the China Trade Act of 1922; a bill amending the tariff act of 1922 in respect of the Customs Service; a bill making various amendments to the Farm Loan Act and Agricultural Securities Act of 1923, in accordance with the recommendations of the Agricultural Commission; several bills relating to the judiciary; a bill amending various provisions of the law affecting the National Guard. More than 1,500 private pension laws were included in several omnibus measures.

According to figures presented to the House by Mr. Longworth, the majority leader, during the session of 73 working days, Congress enacted 342 public laws, 38 public resolutions, and 223 private laws and resolutions—a total of 603 laws and resolutions, or an average of at least eight a day. In addition 69 House resolutions were agreed to. "That" said Mr. Longworth "is a record of which we can be justly proud, and is a fulfillment of the pledge of our party for business-like attention to the needs of our country." Mr. Longworth said that

<sup>8</sup> For further details on the first session of the Sixty-eighth Congress, see *Political Science Quarterly*, Supplement, Record of Political Events, March, 1925.

during the Congress a total of 996 laws had been enacted—a record that “so far as I know, has never been equalled, not even during the 67th Congress when there were four sessions and when the total number of laws was only 931. In that Congress there were 414 actual days in the session as compared to 215 days in the 68th Congress. During the first session of this Congress we acted upon 594 bills out of a total of 929 reported, and during the second session upon 659 bills, which is 91 more than were reported during that session, making a total of 1,253 bills acted upon during the 68th Congress out of 1,497 reported.”<sup>9</sup> During the session there were introduced in the House 3,672 public and private bills, 90 public and private resolutions, 19 concurrent resolutions, and 110 simple resolutions. The Senate considered 917 public and private bills, 47 public and private joint resolutions, 16 concurrent resolutions, and 101 simple resolutions. Combined figures for the two sessions of the 68th Congress give a total of 18,370 measures introduced in both Houses. There were 1,410 measures enacted or agreed to, including public and private bills, and simple and concurrent resolutions. Nine omnibus pension bills were passed, which combined 1,989 pension laws of the 3,328 which had been introduced during the Congress.<sup>10</sup>

During the second session fourteen appropriation bills became law. Eleven were annual: treasury, postoffice, agriculture, navy and war departments, state and justice, commerce and labor, interior, executive office and independent bureaus, District of Columbia, legislative branch. There were a second deficiency measure for 1924, two deficiency appropriation bills for 1925, and two special bills adjusting compensation of certain field service employees, and authorizing the payment of salaries of officers and employees of Congress on the 20th of December.

Four measures were passed to aid agriculture, but none was of great importance. More than eighty bridge bills were enacted, and the District of Columbia required twenty-eight measures. Indian affairs and lands required 29 laws. Amendments of the Judicial Code, changes of terms of court, the fees to be charged by clerks, and additional district judges were the subjects of 24 statutes. Minor matters in connection with military and naval affairs and military property resulted in 28 additions to the statute book. Congress gave its approval to projects for

<sup>9</sup> *Congressional Record*, March 16, 1925, p. 5720.

<sup>10</sup> These figures are in part taken from the *Congressional Digest*, March, 1925, page 201.

fifteen monuments and memorials; it authorized the conveyance of government-owned approaches to national cemeteries to the various states, and amended the act incorporating the National Society of the Sons of the American Revolution. Seventeen bills were passed relating to the national forests; twenty-one to the public lands; five to rivers and harbors; twelve to the territories and insular possessions of the United States; eight to public buildings; three to railroads. Five laws were necessary for the veterans of the War; four laws were passed for the relief of cyclone sufferers in Mississippi and Georgia, sufferers from fire in North Carolina and sufferers from the earthquake in Japan. The postal service required eight statutes; prohibition enforcement one (for the disposal of vehicles and vessels forfeited for the violation of prohibition and customs laws); irrigation and reclamation four; participation in international conferences two; foreign debts three (authorizing the settlement of the Lithuanian and Polish debts and extending the term of the World War Foreign Debt Commission); homestead rights five; flood control two; foreign relations and service four; banks and banking two.

At the short session of the Sixty-eighth Congress there was great expedition with the appropriation bills. The committee on appropriations had been at work for some days prior to the beginning of the session, so that on December 2, the day after the session opened, the interior department appropriation bill was reported to the House. It was followed shortly by the naval and agricultural bills, and by December 20 the House had passed these three measures. It also passed the deficiency bill which had come over from the previous session. By the middle of February all nine regular appropriation bills had passed the House and five had been returned from the Senate and signed by the President. This was much speedier action than is usually the case in the short session of Congress.<sup>11</sup>

**The Budget.** The total appropriations made during the session amounted to \$3,936,921,277.76. If from this amount is deducted the sum payable from postal revenues (\$636,000,000) and the amount payable from the revenues of the District of Columbia (\$27,000,000)

<sup>11</sup> For the dates in previous sessions see *American Political Science Review*, Volume 13, p. 260, etc.

the net charge upon the Treasury was \$3,037,000,000.<sup>12</sup> The total amount appropriated for the Congress was \$7,898,764,305.02. At the short session the Senate was quite modest in the additions that it made to the totals on the bills, as they came from the House. To the nine regular appropriation bills, the Senate added an aggregate of only \$4,401,716.67. It receded in conference on \$372,260.67 of this amount, leaving a net addition to the House appropriations of \$4,029,456. Mr. Madden, chairman of the house committee on appropriations, told the House that "this is the smallest net amount added by the Senate to the regular appropriation bills in forty years. Contrasted with the former practice of that body in adding at times hundreds of millions of dollars, the record for this session is most commendable."<sup>13</sup>

The appropriation bills as they were finally approved showed a reduction on the budget estimates of \$11,125,847.08. In his remarks to the House on appropriations, Mr. Madden pointed out that the

<sup>12</sup> Comparison of Budget Estimates and Appropriations, Sixty-eighth Congress, Second Session. Arranged by Appropriation Acts.

ACT	BUDGET ESTIMATES, 68TH CONGRESS, 2D SESSION	APPROPRIATIONS, 68TH CONGRESS, 2D SESSION	INCREASE ( ) OR DECREASE (—) APPROPRIATIONS COMPARED WITH BUDGET ESTIMATES
<i>Regular Acts, Fiscal Year, 1926:</i>			
Agriculture.....	\$127,752,000.00	\$124,774,441.00	—\$2,977,559.00
District of Columbia.....	30,788,891.00	31,827,797.00	1,038,906.00
Executive Office and Independent offices..	450,364,295.00	452,434,334.00	2,070,039.00
Interior.....	240,204,138.67	239,702,926.00	—501,212.67
Legislative, etc.....	15,113,784.60	14,910,971.80	—202,792.80
Navy.....	287,323,928.00	287,402,328.00	78,400.00
State, Justice, Commerce and Labor.....	71,966,108.77	71,737,293.77	—228,815.00
Treasury and Post Office.....	775,135,921.00	763,221,362.00	—11,914,559.00
War.....	331,401,930.00	332,282,671.00	880,741.00
Total regular acts.....	\$2,330,050,977.04	\$2,318,294,124.57	—\$11,756,852.47
<i>Deficiency Acts:</i>			
1st Deficiency Act, Fiscal year 1925.....	\$159,455,338.19	\$159,504,838.19	\$49,500.00
2d Deficiency Act, Fiscal year 1925.....	58,483,501.37	58,065,006.76	—418,494.61
Total, Deficiency Acts.....	\$217,938,839.56	\$217,569,844.95	—\$368,994.61
<i>Miscellaneous Acts.....</i>			
Total, regular, deficiency and miscellan- eous acts.....	\$2,547,989,816.60	2,536,863,969.52	—11,125,847.08
Permanent appropriations.....	1,400,057,308.24	1,400,057,308.24	
Grand total.....	\$3,948,047,124.84	\$3,936,921,277.76	—\$11,125,847.08

<sup>13</sup> *Congressional Record*, March 16, 1925, p. 5722.

budget system had been in effect for four years; that four sets of estimates had been transmitted to Congress by the President since the passage of the act and that each year Congress had appropriated a total that was less than the total amount requested by the President.<sup>14</sup>

*Amounts carried in Annual Appropriation Bills for 1926*

Compared with those for 1925

	1925	1926
Department of State.....	\$16,238,756.29	\$16,011,512.77
Department of Justice.....	22,680,956.50	24,205,822.00
Department of Commerce.....	25,844,565.00	22,917,334.00
Department of Labor.....	8,651,346.47	8,602,625.00
Treasury Department.....	137,644,712.50	126,951,947.00
Post Office Department.....	613,645,195.25	636,269,415.00
Department of Agriculture.....	65,714,436.00	124,774,441.00
Department of the Interior.....	268,959,114.80	239,702,926.00
Navy Department.....	278,175,460.87	287,402,328.00
War Department.....	337,683,273.67	332,282,671.00
Executive and Independent Offices.....	533,424,147.46	452,434,334.00
Legislative.....	14,229,016.00	31,847,797.00
District of Columbia.....	29,172,153.21	31,847,797.00
	\$2,352,063,124.02	\$2,318,294,124.57
<i>Permanent and independent appropriations (Estimated):</i>		
Interest on public debt.....	\$865,000,000.00	\$830,000,000.00
Public debt retirements.....	471,806,401.00	282,766,130.00
Other.....	82,802,763.85	85,291,178.24
Total, permanent and indefinite appropriations.....	\$1,419,609,164.85	\$1,400,057,308.24
Total of annual appropriation acts including estimated, permanent and indefinite.....	\$3,771,672,288.87	\$3,718,351,432.81

<sup>14</sup> First year: Budget estimates consisting of estimates submitted in the first Budget, fiscal year 1923, and of supplemental and deficiency estimates submitted during the period from July 12, 1921, to June 30, 1922, for the fiscal year 1922 and prior fiscal years, were reduced by..... \$312,361,792.27

Second year: Budget estimates consisting of estimates submitted in the second Budget, fiscal year 1924, and supplemental and deficiency estimates sub-

**Investigations.** Eleven congressional committees were authorized to sit during the recess and investigate various matters. Joint congressional committees are to inquire into the land grants of the Northern Pacific Railroad Company and a permanent schedule of postal rates. The Senate committee on public lands will continue to investigate and report on oil lands in the naval reserves; a select committee of the Senate will continue to inquire into the bureau of internal revenue; a committee on irrigation and reclamation will investigate proposed legislation relating to the Colorado River Basin. The Senate committee on public lands will investigate all matters relating to national forests and the public domain; a select committee on the nine-foot channel from the great Lakes to the Gulf is continued in existence. A sub-committee of the House judiciary committee is to investigate the official conduct of the district judge for the Eastern District of Illinois, and there are three contested election cases to be inquired into during the recess. In addition, the President was authorized by law to create a Muscle Shoals Commission to secure information concerning the most favorable plan for the leasing of the Muscle Shoals property.<sup>15</sup>

**Special Session of the Senate.** A special session of the Senate called to confirm the President's appointments lasted from March 4 until March 18, 1925. There was some discussion of Vice-President Dawes' inaugural address which had called for an amendment of the Senate's rules to permit cloture and to prevent filibusters. Severe

mitted during the period from July 9, 1922, to March 4, 1923, for the fiscal year 1923 and prior fiscal years, were reduced by.....	10,741,504.15
Third year: Budget estimates consisting of estimates submitted in the third Budget, fiscal year 1925, and supplemental and deficiency estimates submitted during the period from December 3, 1923, to July 7, 1924, for the fiscal year 1924 and prior fiscal years, were reduced by.....	12,111,246.92
Fourth year: Budget estimates consisting of estimates submitted in the fourth Budget, fiscal year 1926, and supplemental and deficiency estimates submitted during the period from December 1, 1924, to March 4, 1925, for the fiscal year 1925, and prior fiscal years, were reduced by.....	11,125,847.08
Total reduction effected by Congress in the estimates covering the four budget years.....	346,340,390.42

<sup>15</sup> The Muscle Shoals Bill failed. It was returned to the conference committee by the Senate because new matter had been inserted. For a full discussion of this important point in the Senate's rules, see *Congressional Record*, February 19, 1925, p. 4270 ff.

criticism was expressed in regard to the vice-presidential intervention, and the swing around the circle which Mr. Dawes has since made seems to have solidified the opposition to, rather than to have created any approval of, the proposed change.

During the special session the Senate ratified three treaties.<sup>16</sup> Two were with Canada—the “Lake in the Woods” Treaty and the Canadian Boundary Line Treaty. On March 10, the Senate began to consider the Isle of Pines Treaty with Cuba which formally transfers title to the island to Cuba. This treaty which has been pending for twenty years was ratified on March 13 after a small filibuster against it. The Senate at the special session also had before it the Lausanne Treaty but reached no agreement. On March 13 the Senate entered into a unanimous consent arrangement to postpone consideration of American entrance into the World Court until the Sixty-ninth Congress when, it becomes a special order of business on December 17.<sup>17</sup>

One hundred and fifteen nominations were submitted by the President during the special session. Ninety-three of these were confirmed. Twenty-one were not acted upon and one was rejected (that of Mr. Warren). The major nomination which was not considered was that of Thomas F. Woodlock, to be a member of the Interstate Commerce Commission. It was the second time that the Senate had declined to consider this nomination and Mr. Woodlock was given a recess appointment.<sup>18</sup>

<sup>16</sup> Between December 12 and March 18 the Senate ratified nineteen treaties. This, according to Senator Borah, constituted a record. Three treaties were to assist in the enforcement of the liquor laws, and the others related to trademarks, commerce, extradition, narcotics, etc. During the long session of Congress, six treaties were ratified between the United States and Great Britain, Germany, Sweden, Norway, Denmark, and Italy to aid in the prevention of smuggling intoxicating liquors into the United States.

<sup>17</sup> On February 3, 1925, the House of Representatives adopted an amendment to the Naval Appropriations Bill requesting the President to call another conference for the limitation of armament. The same day the Committee on Foreign Affairs reported with a favorable recommendation a resolution endorsing the World Court and expressing the “earnest desire” of the House that the Government give its “early adherence” to the protocol with the reservations recommended by Presidents Harding and Coolidge. The right of the House to make such a pronouncement on foreign policy is upheld in an elaborate and able report prepared by Representative Burton, Sixty-eighth Congress, 2d Session, House Report No. 1569.

<sup>18</sup> For a criticism of Mr. Coolidge’s appointments to the Interstate Commerce Commission, the Federal Trade Commission and the Tariff Commission, see an article by Senator George W. Norris, “Boring from Within.” *The Nation*, September 16, 1925.

## LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

**The New Hampshire Legislature: Session of 1925.**<sup>1</sup> The legislature of the state of New Hampshire is one of the most peculiar in the United States. The senate is small, consisting of but twenty-four members, while the house of representatives, with its four hundred and twenty-one members, is the largest legislative body in the land with the single exception of the lower house of Congress.

The senators are chosen from districts, determined by dividing the state into twenty-four districts "as nearly equal as may be without dividing towns and incorporated places," and the legislature "in making this division—shall govern themselves by the proportion of direct taxes paid by the said districts." We have, therefore, a body of men representing not population but wealth. New Hampshire is the only state in the United States with such a body. In the future with the rich estates of city millionaires springing up in the White Mountains we may conceivably approach the old rotten borough system of England with a wealthy community of one hundred as well represented as a city of fifty thousand.

During the session of 1925 the senate consisted of nineteen Republicans and five Democrats. The data was incomplete on the total membership, but that available is interesting in its portrayal of the composition of this august body. Eighteen of the senators were native sons of New Hampshire; while of the rest, two were born in neighboring Massachusetts, two in Canada, and one in Rhode Island. Thus, most of the men were born and probably spent a large share of their lives in New Hampshire. This is what might be expected in an old established state.

<sup>1</sup> This study is the work of two seniors of Dartmouth College, carried on under the direction of Professor Richardson of the political science department. The statistics used have been taken from analyses of the *Brown Book*, the house and senate files of bills introduced, and the house and senate journals. Some first-hand knowledge of the actual workings of the legislature was gained on a short visit to Concord; and the help and advice of Professor Richardson, who is a member of the house, has proved invaluable in carrying on the work.



Turning to education, eight senators could claim a college education or better, eight at least a high school education, and seven others were grammar school graduates. Nineteen of the senators were married men and, of this number, fifteen had children. Twenty-two of the senators had previous legislative experience while two had none.

New Hampshire is a rural state, and four of the members of the upper house laid claim to the honor of being dirt farmers, three were lawyers, while two operated hotels for the tourist trade. The other occupations were scattered and included a merchant, a druggist, a newspaper man, a manufacturer, a clergyman, a banker, a grocer, a lumberman, an undertaker, a textile superintendent, a laborer, a veterinarian, and a surgeon. Certainly a representative group with no idlers or professional politicians in it. The religious affiliations were also varied: six Congregationalists, three Unitarians, two Episcopalians, two Catholics, two Methodists, two Baptists, two Protestants, three unclassified, and one "follower of the Golden Rule."

In age the group varied from young men of thirty-one to old war-horses of seventy-seven. The average was fifty-three years. Men are gregarious animals and love companionship and close association. New Hampshire's senators nearly all belonged to some fraternal organization. Many belonged to several: eleven were Masons, eight Shriners, five Odd Fellows, four Elks, three Knights of Pythias, three Grangers, and three Knights Templar.

The house of representatives is a cumbersome body. Four hundred and twenty-one members, two hundred and seventy-three Republicans, one hundred and forty-seven Democrats, and one Independent, composed its membership. This body is based on population: one representative for each town or city ward of six hundred, and another representative for each twelve hundred additional population. Towns that have less than six hundred are represented every few years according to their size. Contrary to the conditions in some states the rural element is not greatly over-represented to the disadvantage of the urban. Each representative represents 1049 persons, if we take the average, but this varies from place to place. If he be from Manchester he represents 1147, while from Nashua he would be the representative of 1217 people. If, on the other hand, we take the average rural representative, he represents less than one thousand people, 938 to be exact. Thus, a representative from the country represents a smaller constituency than one of the more populous communities, but the difference is not so marked as it is in some other states. Manchester, the largest city in the

state, sent 68 representatives; 74 would have been the number according to her proportion of population.

During the session now under consideration the house has a number of notable men among its members; an ex-governor, an ex-chief justice of the supreme court, a professor of political science in Dartmouth College, and two former speakers, being men of distinctly high calibre. Of the total membership, 78 could boast of a college education or better, while 145 had at least a high school education. Of the rest 198 were products of the common schools alone. Some were entirely self-educated, a few not too well.

The married members numbered 366, and 267 had children, while over one-half (251) had previous legislative experience of one sort or another. As in the senate, New Hampshire led in place of birth, 262 claiming the Granite State as their birthplace. Of the rest 45 were born in Massachusetts, 43 in Canada, 19 in Vermont, 14 in Maine, and 11 in New York; Pennsylvania, England, and Ireland each had 7; the state of Wisconsin could claim two; and Minnesota, Rhode Island, Ohio, Illinois, Austria, and Norway each had an individual representative born within their limits. The religions again are scattered, with 99 Roman Catholics, many of whom were of French-Canadian or Irish ancestry, and most of whom were Democrats, in the lead. Ninety-seven claimed to be just "Protestants," while 17 were miscellaneous, or unclassified. The rest consisted of the following: 66 Congregationalists, 43 Methodists, 29 Baptists, 19 Unitarians, and 15 Episcopalians.

The average age, fifty-one years, was quite old for the lower house of any legislative body. This was due to the large number of retired or semi-retired men elected. The youngest member was but twenty-three, while the oldest was eighty-five. Three were veterans of the Civil War. The Masons again led in fraternal organizations with 154 members. After them came the Odd Fellows with 101, the Grange with 72, Shriners with 46, Knights of Pythias with 41, Knights of Columbus with 33, Elks with 31, and Knights Templar with 24. Many other organizations also could claim members, but none in sufficient numbers to warrant listing.

In occupations there is greater variety and those with more than three members are noted. Farmers lead with 84, which is more than the next three put together. Merchants with 29, business men with 21, and manufacturers with 16 follow, while contractors and clerks are tied with 15 apiece. The number of lawyers is unusually small there being but 12, the same number as there are insurance men. Other

occupations are: grocers 11; realtors 10; clergymen 9; lumber men, railroad men, laborers, and mechanics, each 8; teachers and painters, 7 apiece; electricians, hotel men, physicians, engineers, and mill workers, 6 each; carpenters 5; and 3 salesmen, auctioneers, printers, bankers, journalists, garage men, and druggists. This leaves 88 in scattered occupations or retired.

There were fourteen women in the house, 6 of them being Democrats and the remaining eight Republicans. All were married, and of the nine who stated their vocation, seven were housewives, one a doctor and another a journalist. Six of the women representatives were Roman Catholics, two Congregationalists, two Christian Scientists, one a Universalist, one just a Protestant, while two failed to state their religious beliefs.

The constitution of New Hampshire states that in general both the house and the senate shall "settle the rules of proceedings in their respective houses." There are, however, two constitutional provisions in regard to legislative procedure and attendance which, in the opinion of the writers, should be changed at the next amending convention. The first provision states that the legislature cannot constitutionally adjourn itself for more than a two-day period. In actual practice, the legislature works but two and a half days a week Tuesday, Wednesday, and Thursday morning. On Monday and Friday the chair is usually held by a temporary appointee other than the speaker, and the house, consisting of possibly ten members, is called to order and adjourned within two minutes, while the majority of the members are enjoying the comforts of home. This three-day week has distinct advantages: it enables the state to secure as legislators many able men who find it possible to carry on their business at home in the three or four remaining days, but who under a six-day legislative week, could not afford to give up business and run for the legislature with its \$200 honorarium. Moreover, these weekly visits serve to keep the legislators in closer touch with public opinion back home. While it does seriously interfere with the work of the committees, this disadvantage might be eliminated by the adoption of the legislative recess, which is discussed in the following paragraph. If, therefore, the three-day legislative week is desirable, why not make it constitutional by striking out the "two day adjournment" clause, instead of resorting to the amusing "dummy sessions" expedient.

A second objection to the two-day adjournment clause deserves more

serious consideration; namely, that it prevents the use of a legislative recess. In brief, the plan for the legislative recess is as follows: the legislature upon coming into session in January, should sit for a time sufficient to organize the houses to allow the introduction and first and second readings of bills, and referring of bills to committees by the Speaker. When all the bills are in, the legislature as such may adjourn, and a period of two or three weeks can be devoted solely to committee hearings. Under the present system, committee hearings are inserted into the days' programs here and there, between, before and after sessions, and attendance is as a rule very poor. Members coming late from nearby towns, such as Manchester, miss the meetings scheduled before the eleven o'clock session of the legislature; the same members, leaving for home early miss the meetings scheduled after the three o'clock session; while the time taken for dinner interferes appreciably with meetings scheduled between sessions. A house as large as that of New Hampshire must depend very largely on the work of its committees; and it is inevitable that with their small and poorly planned committee rooms, and the irregular attendance, the committees of the New Hampshire legislature cannot do justice to the importance of this work.

A legislative recess would enable the committees to get together all the bills on any subject before reporting, thus treating the subject as a whole, not piecemeal; committee hearings could be scheduled at hours which would ensure full attendance; and the change would tend to give them an importance and publicity which they do not receive at present.

The second constitutional provision which the writers believe should be amended is the right of any member to demand a roll-call. This is quite practicable in the senate, with its twenty-four members; and in 1783, when the constitution was framed, it probably worked well in the house, small as it was in those days. But it takes nearly an hour to call the roll in the house at present, and such an opportunity to delay business should not be available to any one member; in our opinion, the motion for a roll-call should require at least fifty votes.

The procedure of law-making in New Hampshire is briefly as follows: Any member or committee may introduce a bill in either house. In the house, where most bills originate, the bill is written on a blank form with a suitable title indicating its subject matter, and placed in a box near the Speaker's desk. The following morning the bill is given its first reading, usually in full; a second reading by title follows immediately, a purely perfunctory proceeding, as bills are never killed at this stage.

The bill is now printed, given a number, distributed among the members, and referred by the Speaker to the proper committee for hearings and a report. Committee hearings are advertised in the journal in advance—this unfortunately is the only publicity which these notices receive—and after public hearings the committee makes its report. As a matter of convention, the report on a bill usually takes one of three forms: either “ought to pass,” “ought to pass with amendment,” or “inexpedient to legislate”—this last being a euphemistic way of recommending that the bill in question be killed. When a bill raises a real controversial issue, a minority report is often filed dissenting with that of the majority, and debate in the house is usually on the question of the substitution of the report of the minority for that of the majority. It is at this point that a bill either is killed, amended, or passed. This crucial stage of the third reading is always scheduled for the three o’clock session, and it is at this time that debate, for the most part, occurs, and the spirit of the house changes from that of perfunctory acquiescence in routine procedure to that of partisanship, with real differences of opinion and tests of strength ensuing. A bill if it survives this ordeal in the house is forwarded to the senate, where it goes through substantially the same procedure; if defeated, the bill is quite literally “killed,” being dropped from the consideration of the legislature except in rare cases of reconsideration.

The object of this rather involved procedure is, of course, to ensure that legislation may not be hasty and ill-considered, that each member of the legislature shall be acquainted with the nature and implications of each bill before voting upon it, that “railroading” a measure through the house shall be as difficult as possible. The first reading of the bill has some educational value, while the final reading serves the purpose of requiring a period of time during which a committee is considering the bill in detail, and during which the house has the opportunity for investigation and the forming of an intelligent and deliberated opinion of the bill. But the second reading of the bill, coming as it does immediately after the first reading and being by title only, has neither an informative or deliberative value, and should be abolished. That the procedure succeeds fairly well in weeding out undesirable measures is shown by the fact that 385 out of the 638 bills introduced into both houses failed to become law; the much discussed cosmetic bill, which passed the house without anyone realizing its full implication, forms an outstanding exception to this generalization. In this case the senate

perceived the real nature of the bill, which would have prohibited practically all cosmetics under the guise of a simple health regulation, and killed it.

Before turning to a criticism of the committee system, it will be valuable to analyze briefly the subject matter of the bills introduced. Such an analysis will indicate the nature of the raw material which the legislative machine must handle, and show the fields with which American state governments are chiefly concerned today. It is amusing to note that in New Hampshire, fish and game legislation holds the center of attention, if we are to judge from the number of bills introduced; 43 fish and game bills were introduced into the house, this being the largest number under any classification. The next most prolific subject matter is special town legislation, with 41 bills introduced. The other important classifications are as follows: roads, bridges, and canals, 39; motor vehicles, 26; taxation, 24; state administration, 24; public health, 23; special private legislation, 21; insurance and banks, 21. Although New Hampshire is regarded primarily as an agricultural state, we must conclude that New Hampshire farmers believe in a minimum of state interference, as only eleven bills pertaining to agriculture were introduced; while twelve bills pertaining to corporations, and six bills regarding labor, indicate that industry has at least as much public interest in New Hampshire as has agriculture.

The 638 bills introduced in the 1925 session were referred to some thirty-five committees in the house, and twenty-four committees in the senate; but the work was far from being equally distributed among these committees. In the house, the committee on the judiciary did by far the greatest amount of work in the original consideration of bills, 89 being referred to it. Although the committee on appropriations had only 30 referred to it originally, this committee doubtless had to consider even more bills than the committee on the judiciary, inasmuch as all bills involving the expenditure of money must be referred to it before final report. The committee on the revision of the statutes handled 59 bills of a wide variety of subject matter, the principal subject being motor vehicle laws. The committee on fisheries and game handled 42 bills; the committee on public improvements, 27, most of which pertained to state road construction; the committee on public health, 21; the committee on ways and means, 20. The rest of the committees handled less than thirteen each, four committees handled only one each, while eleven committees had no bills whatever referred to them.

In the senate, the disparity in the work done by various committees

was equally great; to the committee on the judiciary were referred 33 of the bills introduced into the senate; to the committee on the revision of statutes, 11; to the committee on banks, 4; to the committee on agriculture, 3. Five committees considered only two bills each, while fourteen committees of the senate had no senate bills referred to them whatever.

From the foregoing citations, it is obvious that a few committees are doing the real work of the legislature, while the majority of the committees are simply honorary but functionless bodies, doing little or nothing to expedite the business of the legislature, with their only excuse for existence the custom that each member of the legislature must be given some committee position. Now it may be impossible or inexpedient, to effect a reorganization of the committee system which will bring about an equal division of labor; it may be distinctly advantageous to have the important work of the legislature done by a few of its experienced leaders as members of the important committees; but the writers would suggest at least two changes. First, reduce the burden on the committee on the judiciary by referring many of the bills dealing with local government to the committees on towns and on county affairs, the logical groups for the consideration of these measures. Secondly, replace the existing committee on railroads by a committee on transportation, to consider all bills dealing with railroads, street railways, and motor vehicles. Motor-vehicle legislation is a subject which has grown enormously in importance in the last fifteen or twenty years; but these bills are now referred to that already overworked jack of all trades, the committee on the revision of the statutes. Inasmuch as motor-vehicle transportation has a very close connection with steam and electric transportation, as in the case of competing bus and street railway lines, it seems probable that the pressing problem of transportation could be dealt with as a whole, and with much greater efficiency, by this reorganized committee on transportation.

Gradually people are coming to place more and more confidence in the governor, and to feel that he is their representative more truly than the legislature. It is interesting to note, in this connection, just what degree of control the executive exerts over the legislative body of New Hampshire.

On the negative side Governor Winant was most successful. Not a single one of his vetoes was overridden and all were upheld by large majorities, most of them by virtually a unanimous vote. As we read

over the vetoed bills, we wonder just how they ever succeeded in passing the house of representatives and the senate in the first place. Certainly it does not make a favorable impression to see, that after both houses had duly passed a bill legalizing the shooting of male pheasants, a rare and expensive imported bird, in Merrimack country, the governor vetoed it and was upheld by the house by a vote of 319 to 2. Nor does it seem flattering that a joint resolution allowing the state to assume responsibility for the crimes of mental defectives was passed by the General Court, the veto of which by the governor, who pointed out the bad precedent created, was upheld 294 to 2. It would seem that the governor was very careful in inspecting the bills brought to him to be signed, and was highly respected in the house, to justify such a complete reversal on its part.

On the positive side we will examine what part of the governor's program was enacted into law. It is well to recall that, while the senate and house were both strongly Republican, the governor did not have a large working majority. On some measures, notably the forty-eight hour law, he received more support from the Democratic party than from his own, the Republican party. This explains why not all of his program was favorably considered.

For convenience we have listed the twenty more important items in the governor's message and the legislature's action on them.

*Governor asked in his message*

1. For special counsel to fight the B. & M. abandonment of certain of its lines in New Hampshire.
2. For an investigation of state finances and state departments with a view to reorganization.
3. A Dormitory for Keene Normal School.
4. Some action toward New Hampshire State University that would be the basis of future policy.
5. A committee to investigate the State Hospital.
6. No loosening of dry law.
7. A reduction of the Poll Tax.
8. A Standard Coöperative Marketing Law.

*Action of General Court*

1. This was granted.
2. A special committee authorized and \$20,000 appropriated for it.
3. A bond issue was authorized for this purpose.
4. The University was allowed one mill on each dollar of taxes collected, and out-of-state students limited to 12 per cent of enrollment.
5. This was authorized.
6. Nothing was done contrary to this.
7. The Poll Tax was reduced.
8. Such a law was passed.



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| 9. Some provision for an accurate state map.   | 9. \$25,000 a year for five years appropriated for this purpose.  |
| 10. Provision for advertising the state.   | 10. \$25,000 a year for two years appropriated for this purpose.  |
| 11. The Protection of Franconia Notch.   | 11. The first State Park was authorized at Franconia Notch.   |
| 12. The encouragement of the National Guard.   | 12. Armories were provided for Berlin and Keene.  |
| 13. Investigation of fire hazards at state institutions and action to eliminate them.              | 13. This was done.  |
| 14. Improvement of the method of taxing state and national banks.                                  | 14. Exemption on real estate removed. Tax raised on national banks and lowered on savings banks and committee appointed to investigate whole bank tax situation and report to next legislature. |
| 15. Reduction of auto license fees and raising of gasoline tax.                                    | 15. Auto fees were reduced but gasoline tax untouched.  |
| 16. Retention of money collected from income tax in state treasury.                                | 16. This was rejected.  |
| 17. Passage of child labor amendment.  | 17. This was not done.  |
| 18. Passage of forty-eight hour law.   | 18. This was not done.  |
| 19. A survey of water-power resources and plan for future development.                             | 19. This was not done.  |
| 20. National banks and trust companies should be permitted to act as administrators and executors. | 20. This was not done.  |

Thus, of the governor's twenty requests to the legislature, fifteen were granted and five refused. On the face of it this seems quite favorable, but when we notice that among the five requests refused were the laws limiting the hours of women and children in industries to forty-eight a week, the child labor amendment to the federal Constitution, the request for a survey of the water power resources of New Hampshire, and income tax and bank legislation of an important character, and also that one of the fifteen measures enacted at the governor's request went but halfway, we realize that on the positive side Governor Winant was able to get but little more of his program adopted than failed, although on the negative side he was unusually successful.

Every state has the problem of the conflicting interests of rural and urban elements reflected in its legislature, and New Hampshire is typical in this respect. But in New Hampshire this conflict tends to approxi-

mate party lines. The Democrats draw most of their strength from the more densely populated sections of the state while the great Republican stronghold is the country.

We have taken as urban all towns and cities of over five thousand, which we believe will meet with the approval of those who are familiar with conditions in the Granite State. Of the total number of urban representatives, 198, 103 were Republicans and 95 Democrats, while of the total number of rural representatives, 223, 170 were Republicans and 52 Democrats. Hence, the Democrats drew 64.6 per cent of their number from the urban section while the Republicans had but 37.7 per cent of their number from the same source.

If we look over the four available roll-calls we can see some evidence of this conflict. The first is very one-sided but illuminating, the second most typical, the third very poor as a barometer, and the fourth a fairly good example.

Of the 36 voting for the child labor amendment 17 were Republicans and 19 Democrats, while 27 were urban and but 9 rural. Therefore, what little support this measure received was from the urban elements of both parties.

In the vote on the forty-eight hour law, there were 59 Republicans for and 173 against, while the Democrats had 94 in favor and 24 opposed. Hence, the governor on this particular measure had the support of most of the Democrats and the more progressive men in his own party, but met defeat because of the conservative Republicans. Even more marked was the rural-urban division with 108 urban and 45 rural representatives in favor, and 35 urban and 164 rural opposed.

The direct primary contest proves but little on the political side. For its retention were 167 Republicans and 88 Democrats, with 71 Republicans and 34 Democrats against it. The more conservative rural elements had 96 against to 130 for, while the more liberal urban element had but 39 opposed and 126 in favor. Still the difference is slight and shows that on certain issues party and population lines fall.

The compulsory auto liability insurance bill passed the house but was defeated in the senate. It is a good example of rural-urban conflict and a fair one of Republican-Democratic conflict. In favor were 101 Republicans and 75 Democrats, while 128 Republicans and 32 Democrats were against it. Also 109 urban members combined with 65 rural ones to vote "Yes," while 43 urban and 117 rural representatives voted "No."

So we see no clean-cut division either rural v. urban or Republican v.

Democrat on any question, but a strong tendency on several toward such a division. And it becomes increasingly clear that such division as there is is largely between the rural Republicans, on the one hand, and the urban Democrats, on the other.

The legislature of New Hampshire is probably neither better nor worse than most of our state legislatures. We feel that it represents fairly the people of an old and distinctly rural state, and that despite archaic rules of procedure and an obsolete committee system, it has succeeded in passing more than an ordinary amount of constructive and progressive legislation. Partisanship has been present, but to a much less degree than is found in most of our state governments or in our national government.

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**Counting Votes Before the Polls are Closed.** The problem of counting the election ballots and making out the election returns is a serious one and becomes more serious as time goes on. The old method by which the election board began the count immediately upon the close of the polls and were not allowed to rest or leave the polling place until the count was completed, certified, sealed and turned in, is still in use in most of the states. The difficulties of counting the ballots, especially in the larger precincts, have attracted public attention and efforts are being made to correct them. A number of states have introduced double election boards as the best method of meeting this problem. This study attempts to show briefly what has been done in each of these states. In some other states central counting boards have been established to deal with the increased number of votes, due in large part to woman suffrage.

Double election boards were first introduced in Missouri in 1875: Missouri was the only state to use this method of counting the ballots for nearly a quarter of a century. In 1899 Idaho adopted double election boards, followed by Texas in 1905, Oklahoma in 1907, Colorado in 1913, Kansas in 1915, Nebraska and West Virginia in 1917, Iowa and Oregon in 1921 and Utah in 1925.<sup>1</sup>

<sup>1</sup> The following citations give the original and amending acts:

Missouri, *Laws* 1875, p. 51, sec. 3; *Revised Statutes*, 1879, sec. 5495; *Laws* 1907, p. 260; *Laws* 1915, p. 281.

Idaho, *Session Laws* 1899, p. 372; 1909, p. 196, H. B., 16, sec. 21.

Texas, *General Laws*, first special session 1905, ch. 11.

In the three states last added to the list the appointment of double election boards is permissive. Though double election boards have been known for fifty years, nine of the eleven states have provided for them within the last twenty years—not counting the state of Michigan. Their history indicates that double election boards have served a definite need in election machinery. They have remained on the statute books with slight amendment.

Twelve states now provide for double election boards. These states are Colorado<sup>2</sup> Idaho,<sup>3</sup> Iowa,<sup>4</sup> Kansas,<sup>5</sup> Michigan,<sup>6</sup> Missouri,<sup>7</sup> Nebraska,<sup>8</sup> Oklahoma,<sup>9</sup> Oregon,<sup>10</sup> Texas,<sup>11</sup> Utah<sup>12</sup> and West Virginia.<sup>13</sup> The Michigan law provides for a separate counting board at the option of the proper appointing authorities, but unlike all the other states the counting board does not begin the count until the close of the polls. Michigan therefore does not enter into this study. The laws of the other eleven states are alike in their main features, though presenting slight variations. They all provide for the counting of the ballots while the election is going on.

All of the eleven states fix the exact time when the count shall begin

Oklahoma, *Session Laws* 1907, ch. 31.

Colorado, *Session Laws* 1913, ch. 76; 1915, ch. 77.

Kansas, *Session Laws* 1915, ch. 205; 1917, ch. 179, 180; 1921, ch. 181.

Nebraska, *Laws* 1917, ch. 32; 1919, ch. 83; 1921, ch. 87.

West Virginia, *Acts* 1917, ch. 37.

Iowa, *Session Laws* 1921, ch. 60.

Oregon, *General Laws* 1921, ch. 161.

Utah, *Laws* 1925, ch. 34.

Georgia does not provide for double election boards, but does provide that "The superintendents may begin to count the votes at any time in their discretion, but they shall not do so until the polls are closed if a candidate in person or by written authority objects." *Polit. Code* 1914, sec. 82 (6). A letter from the legislative reference department of the Georgia state library says "It is customary to count the votes upon the close of the polls."

<sup>2</sup> Colorado—*Compiled Laws* 1921, sections 7683-7692.

<sup>3</sup> Idaho—*Compiled Statutes*, sec. 627-631.

<sup>4</sup> Iowa—*Code* 1924, sec. 887-903.

<sup>5</sup> Kansas—*Revised Statutes* 1923, ch. 25, art. 5.

<sup>6</sup> Michigan—*Compiled Laws* 1922, sec. 3848 (170)-3848-(174).

<sup>7</sup> Missouri—*Revised Statutes* 1919, sections 4776-4781.

<sup>8</sup> Nebraska—*Compiled Statutes* 1922, sections 1925-26, 1958, 2020-22, 2032.

<sup>9</sup> Oklahoma—*Compiled Statutes* 1921, section 6144-55.

<sup>10</sup> Oregon—*Session Laws* 1921, chapter 181.

<sup>11</sup> Texas—*Complete Statutes* 1920, articles 2921, 2923-24, 3006-24.

<sup>12</sup> Utah—*Laws* 1925, chapter 34.

<sup>13</sup> West Virginia—*Code* 1923, pp. 32-34.

but they do not all fix the same time. In Kansas, Nebraska and West Virginia the count begins four hours after the opening of the polls; in Missouri and Texas, one hour after the opening of the polls; in Idaho it begins when five votes<sup>14</sup> have been cast; in Iowa it begins at one o'clock p.m., in Colorado at eight o'clock and in Oklahoma and Oregon at ten o'clock in the morning. Oregon provides further that the count shall not begin until twenty votes shall have been cast.

All of the laws agree in providing a separate, convenient place for the conduct of the count. It may be a separate building, a separate room or a partitioned room or space in the voting place. They also provide for guarding the ballot boxes and keeping them under the constant observation of election officials. In general, provision is also made for permitting authorized watchers to guard the interest of the different political parties and candidates, although the Kansas law and the West Virginia law are silent on this point, and the Iowa law provides that no person shall be admitted to the place where the count is being conducted until the polls are closed, except the counting board.

The law is compulsory and applies to all elections in all election precincts in the states of Missouri and Oklahoma. It is compulsory in six other states in precincts where the vote would seem to warrant an extra counting board. In Idaho, Nebraska, Texas and West Virginia it applies to all general and primary elections, in Colorado and Kansas to all general elections. The measure of need for the extra board is generally set by the total vote cast in the precinct at a preceding or the last preceding general election or by the vote cast for a particular officer, as the governor in Idaho or the secretary of state in Kansas. In Texas, it is made dependent upon the number of male citizens in the precinct who can show poll tax receipts or certificates of exemption. In the other three states this provision of the law is similar, except that it is permissive. In Iowa and Oregon it applies to general and primary elections; in Utah, to general elections.

In all of the states except Oklahoma provision is made for duplicate ballot boxes—one to receive ballots while the ballots in the other are being counted. The counting judges return the empty ballot box to the receiving judges and receive from them the box containing the votes cast during the count. Some of the laws require the receiving judges to state the number of ballots in the box when they deliver it to the counting judges. In Oklahoma, where there is no provision for the extra

<sup>14</sup> Original law and Revised Code of 1908 read "when 50 votes have been cast." The election law pamphlet of 1924 and the compiled statutes read five votes."

ballot boxes, the box is unlocked and the ballots emptied into a separate receptacle for the judges to count and the empty box is immediately used again to receive the ballots. Kansas provides two boxes in duplicate for state and national candidates and two in duplicate for constitutional amendments and submitted questions. Oregon provides two boxes in duplicate for all general ballots and two smaller boxes in duplicate for ballots cast for state and district officers only.

Without a single exception the states provide in the law that no information shall be given out as to the result of the election by the counting officials or by the watchers until the polls are closed. The laws differ in the severity of the penalty imposed for violation of the secrecy clause.

The most drastic punishment is provided in the laws of Iowa and Nebraska where the penalty is disfranchisement for five years plus a fine of not more than \$500 or jail for not more than six months. Idaho and Utah set the penalty at a fine of not more than \$1,000 or imprisonment for not more than one year or both such fine and imprisonment.

Colorado makes the penalty a fine of not more than \$500 or jail for not more than six months or both fine and jail. Oklahoma provides for both fine and jail—the fine, \$25 to \$100, and the jail sentence 30 days to one year. In Oregon and West Virginia, the penalty for violation of the secrecy clause is either a fine of \$100 to \$500 or a jail sentence of 30 days to 1 year.

In Kansas, Missouri and Texas, no special penalty is attached for violation of the secrecy clause, although in Missouri the general penalty probably applies for failure on the part of a judge to perform his duty. This is a fine of \$200.

The procedure after the close of the polls differs, some states providing that the two boards shall unite and continue the count until it is completed. Such is the case in Idaho, Missouri, Kansas and West Virginia. Other states keep the two boards entirely separate and require each board to certify to the work that it has performed, as Nebraska does. Then again the laws of some states provide that all the judges of election shall join in making the return when the count is completed, but do not make it clear whether or not the receiving board assists in completing the count. The Oregon law provides that the counting board continue the count until completed or until eight o'clock a.m. of the next day. If the count is not then completed, then the receiving board are to relieve them and continue the count. They are in turn to be relieved by the counting board at eight o'clock p.m. if the count is not completed by that time, and they go on relieving each other until the

count is completed. The returns are then made out so as to show the work of each board separately.

LUCILE MCCARTHY.

*Wisconsin Legislative Reference Library.*

**New York State Literacy Test.** An amendment to the New York State Constitution was passed in 1921 which provided that all new voters should be able to read and write English. To make effective that amendment the legislature, in the next year, passed a law requiring the test of proof of literacy under two sub-divisions. The first sub-division provided that the new voter should read aloud intelligently from slips containing extracts from the state constitution, and write ten words from such slips as selected by the inspectors of election; the second sub-division, that in lieu of such examination by an inspector, the new voter might present a certificate signed by a school head, and that the board of regents should adopt rules governing the issuance of such school certificates. In 1923 the legislature amended the election law making possible only one method of determining the literacy of new voters. By that law, which became Chapter 809, Laws of 1923, the new voter could present a certificate that he had completed the eighth grade or its equivalent within or without the state, or he might, as an alternative, present a certificate under the rules of the regents.

Almost simultaneously the legislature passed two other bills amending the election law. All three were approved by the governor on May 28 and became laws on that day. The second law became Chapter 810 and contained in connection with other matters, the following provisions; "The Board of Elections of the City of New York and elsewhere of each county shall provide the necessary said slips of extracts from the State Constitution to be used for literacy tests."

The third bill became Chapter 803 and provided as follows: "Section I: Section one hundred and sixty-six of chapter five hundred and eighty-eight of the laws of nineteen hundred and twenty-two, entitled 'An act in relation to the elections, constituting chapter seventeen of the consolidated laws,' is hereby amended by inserting therein a new sub-division, to be sub-division three, to read as follows: Upon registering a voter after administering such test or receiving such proof, each inspector shall make a note upon his register in the registration remarks column, literacy test 'satisfactory' or 'unsatisfactory' as the case may be. This act shall take effect immediately."

These two laws were interpreted by the board of elections of the city

of New York to mean that two methods of determining literacy were to be used as provided for in the laws of 1922, and so directed all election boards under their jurisdiction. Their decision was based on the phraseology of Chapter 810, "each county shall provide the necessary said slips of extracts from the state constitution," and of Chapter 803 the words, "after administering such test or receiving such proof." A question arose immediately over their decision and the state commissioner of education requested an opinion as to the status of the literacy test. The attorney general ruled, September 27, 1923, that Chapters 803 and 810 must be considered as effective in that the test of literacy by election boards was revived, and that the new regents test was the alternative method. Dissatisfaction with the ruling of the commissioner of education caused an action to be begun in the supreme court, asking for a writ of mandamus to compel the board of elections of New York City to revoke instructions to election boards to conduct tests of literacy for new voters by means of slips upon which was printed an extract from the constitution of the state. This writ was denied by Justice Wagner on October 8, 1923. The action was carried to the appellate division of the supreme court, the decision of the lower court reversed, and the writ granted. The board of elections was directed to refrain from registering any person who did not possess a certificate as provided for in Chapter 809 of the Laws of 1923.

The action was then carried to the court of appeals and, in an elaborate decision, the action of the appellate division was upheld. The court ruled that the second and third laws (Chapters 810 and 803) signed on May 28, 1923 were meaningless, in that they applied to a law which had been repealed by Chapter 809, and these statements were surplusage and must be rejected as such. The purpose of the legislature was to do away with the slips and to substitute therefor the proof by certificate.

The court, after passing upon the precedence of the laws, took up a second question as to the constitutionality of Chapter 809. It was urged by the plaintiffs that the legislature was powerless to provide for intelligence tests; that legislation providing a test of ability to read and write English was the constitutional limit of suitability, and that literacy means a higher degree of education than mere ability to read and write English. The court ruled that literacy means the ability to read and write English, and that the legislature had added nothing to the qualifications for voting. The court by this action determined the meaning of a word which the legislature had used to make effective the state



## NOTES ON INTERNATIONAL RELATIONS

**The Institute of Politics.** "Your country is one of the few I know," said Robert Masson, lecturer on the peace problems of France at the Institute of Politics, "that shows permanent and earnest desire to gather information about other countries." One may conclude, however, from other comments on this general topic at the fifth session of the Williamstown Institute, that the American attitude toward international affairs is closely paralleled in other countries. In his address which formally opened the Institute this year, Mr. Lionel Curtis, of London, leader of a round-table on the British Commonwealth of Nations, explained the work of the British Institute of International Affairs, the aims and purposes of which closely approximate those of the Institute of Politics. "The real problem," Mr. Curtis said, "is to enable the small handful of people who in fact shape or mis-shape public opinion to obtain a better insight into the real problems upon which it is their business to speak or write." The aim of the British Institute, he continued, is to have a small group of experts studying continuously the major problems of international relations, and ultimately, when crises which involve these problems occur, to present the results of their investigations for the guidance of public opinion and of political policies. The increase in the number of institutions of this character was also commented upon by President Garfield in a brief address at the opening session of the Institute, when he took occasion to restate the aims of the Institute of Politics. Such institutions, he said, are unofficial conferences, the value of which we hardly yet appreciate. "It is an extension of the parliamentary idea, an advance in the field of government. Conferences like this, and the many others that are now being held in this country and throughout the world, for the purpose of enlightening public opinion, are assemblies precedent to the official parliaments of nations."

The proceedings of the Institute of Politics this past summer certainly equalled, and in the opinion of many competent observers, surpassed those of previous years. Nine round-table conferences were held; two general conferences, meeting twice weekly, open to all members of the Institute; and three lecture courses were offered. The topics dis-

cussed by these various methods may be stated broadly as follows: The Foreign Policy of the United States; Political and Economic Problems of Europe; The Progress of International Organization; and certain nonpolitical factors in international relations, such for example, as population, armament, food supply, and mineral resources.

The open conference on the Recent Foreign Policy of the United States was conducted by Professor George H. Blakeslee, of Clark University. This conference considered in successive meetings the European policy of the United States; the Monroe Doctrine and the Caribbean area; the policy of the United States in the Far East; and the general economic and financial policy of the United States with foreign countries. One of its early sessions was distinguished by a remarkably candid and able statement of the official policy of the present administration, by Mr. William R. Castle, Jr., chief of the division of western European affairs of the department of state. Mr. Castle first drew attention to a new series of commercial treaties which the state department has now in process of negotiation, which, he stated, will go far toward eliminating causes of misunderstanding in international trade relations. These treaties are to be founded on general most-favored-nation treatment, the United States relinquishing the old idea of a *quid pro quo*, which limits the general-most-favored treatment, and will retain special treatment only in the case of Cuba. He reiterated the determination of the government to bring about a funding of all war debts to the United States. The administration rejects cancellation, and likewise strict and instant accounting, for either of these extreme measures is both economically and morally unsound. All funding arrangements will be based on the principle of financial obligation, but there will be developments from that principle fitted to the particular case. The administration has no intention of departing from the traditional American policy of noninterference in European political affairs, but in all matters directly affecting the United States, it plans to coöperate with the League of Nations when such coöperation appears to be the best method of getting results. The government foresees increasing usefulness of the League, especially after Germany is admitted to membership, and if the members of the League choose to use the machinery of the League of Nations for the accomplishment of good, there is certainly no reason for the United States to remain sullenly absent from conferences held under the League's auspices. The administration, Mr. Castle asserted, earnestly desires that, under the reservations suggested by Presidents Harding

and Coolidge, and by Mr. Hughes, America shall seek membership in the Permanent Court of International Justice.

Other special speakers who addressed this conference included Professor Arnold J. Toynbee, who spoke on the British view of American foreign policy; Judge Otto Schoenrich, on American policy in the Caribbean; Mr. Victor M. Cutter, President of the United Fruit Company, on United States corporations in Latin-America; Dr. Arthur N. Young, on the Department of State and American enterprise abroad; and Mr. Alvin Johnson, editor of the *New Republic*, on America as an international investor. Addresses on American policy in the Far East were given by Motosada Zumato, editor of the *Herald of Asia*; Dr. Logan H. Roots, Bishop of Hangkow; and Dr. Charles K. Edmunds, Provost of Johns Hopkins University.

Professor Blakelee's conference was intended to furnish a general survey of the foreign relations of the United States, and one of its most important regional policies was studied in detail at the round-table conducted by Dr. Leo S. Rowe on Outstanding Problems of Inter-American Relations. The thought of the American people should be clarified in its interpretation of the Monroe Doctrine, the leader asserted. This doctrine is not the sum-total of our Latin-American policy; it includes but two principles: a declaration against colonization, or any other form of extension of dominion on the American continent by any nonAmerican power; and a declaration against the intervention of nonAmerican powers encroaching upon the independence of an American state. No principle other than these two should ever be designated as an integral part of the doctrine. On this basis the Monroe Doctrine should be made a common doctrine of all American republics, Professor Blakeslee observed at one of his conference meetings. It is resented by Latin-American states so long as it is one of tutelage and guardianship. Dr. Rowe's round-table discussed the Monroe Doctrine, its purpose at the time of its formation; the influence of changed conditions on the content and application of the doctrine; its present significance with special reference to the attitude of the Latin-American republics. This conference also devoted sessions to the international problems involved in our relations with Mexico, the Caribbean area, and South America, respectively.

A comprehensive and illuminating survey of contemporary European politics was given at the round-table conducted by Professor Bernadotte E. Schmitt, on Some Political Problems of Contemporary Europe. While the European scene, Professor Schmitt pointed out, is still

largely dominated by Great Britain, France and Italy, new factors of first-rate importance have appeared in post-war Europe. No great alliance like that of pre-war days exists; on the contrary, there may be distinguished four groups, each composed of four states, with a certain identity of interest. First, the remnants of the grand alliance of the War, Great Britain, France, Italy and Belgium; second, the four ex-enemy states, Germany, Austria, Hungary and Bulgaria; third, the Baltic republics, Finland, Esthonia, Latvia, and Lithuania; and, finally, the succession states, Poland, Czecho-Slovakia, Jugoslavia, and Roumania.

Most historians are agreed, said Professor Schmitt, that in its broad outlines the map of Europe, as drawn by the treaties of 1919-1923, is the best arrangement ever devised. But certain frontiers should be modified within the general framework of the peace treaties. Too often they were drawn for political or strategic reasons. Article XIX of the League of Nations Covenant, providing for a reconsideration of treaties, may yet prove the salvation of Europe. The greatest problem in each of the succession states is to create a sentiment of genuine national solidarity, and closely related to this and of major importance is the question of the treatment of minority populations. The conference studied in turn the following topics: The Croatian problem; the Macedonian question; the situation in Bulgaria; Transylvania; Economic and political developments in Hungary; Austria; Minorities in Czecho-Slovakia; the Little Entente; German-Polish relations, including Upper Silesia and the "corridor" and Danzig; and the problem of security.

The economic aspects of the European situation were dealt with by Professor Edwin F. Gay, at a round-table on the Economic Recovery of Europe. The real meaning of economic recovery, Professor Gay stated at an early session, would be an estimate of the economic position of Europe had the war not intervened. The norm of 1913 does not suffice, though it may be noted that the present volume of European trade is only sixty or seventy per cent of the trade of 1913. The conference opened with a study of the characteristics of trade, chiefly for England, Germany and France before the War; the changes in their trade which have taken place since the War, and the relations of trade policies of these countries to the problem of international payments. Next, the conference considered the source of European foodstuffs before the War; the probability of any marked change in the source of these supplies, and of raw materials; the actual condition of the chief industries in

northern Europe; and the probable position of the United States in view of European economic development. A decrease of agricultural imports, and an increase in manufactured exports constitutes the basis for a European program of debt-payment. It is not feasible, it was observed, for Europe to decrease its imports of raw materials, but there is some likelihood of a possible decrease in foodstuff imports. With respect to German reparation payments, the leader asserted that the regular exchange of foods and services through regular channels of trade will furnish the means of making the largest proportion of payments. He foresees, however, some assistance in this through German activities in the industrial development of Russia, and by continued payments of reparations in kind. There is no doubt that Germany can raise the amounts necessary for payments under the Dawes' plan for the first few years. Respecting transfer of payments under this scheme, it would be hazardous, Professor Gay said, to attempt to formulate the precise procedure by which German trade is to accommodate itself to reparations payments, but on the grounds of economic theory and experience, he would be extremely unwilling to say that payments cannot be made, or can be made only partially successful. And in thirty years of determined and relentless payment of war indemnity, Germany will have won back more than she lost in the War.

Mr. Robert Masson, in his lectures on the peace problems of France, stated with ability and force the position of France, though in the nature of the case he could contribute little that was new, unless, indeed, something may be expected from the alleged wizardry of Caillaux. His lectures followed the conventional order of statement of the French case: a recapitulation of losses, expenditures on reconstruction, disappointment over reparations and security, and excessive taxation. He endorsed the Dawes' program; reiterated the purpose of France to pay her debts, and ask for moderation on the part of her creditors.

The Mediterranean Area and Italy was the subject of a series of lectures delivered by Count Antonio Cippico, Italian senator and fascist. "Italy," he declared, "a prisoner in her own sea, is the gravest problem of the Mediterranean by reason of her political and economic insecurity. Her very national existence depends on those who hold the keys to Gibraltar and Suez; on those who have installed themselves for imperial, not national needs, in Malta and Cyprus. Limited in raw materials and food supply, the ever expanding population of Italy—now numbering forty-one millions—could be starved within a few weeks by those who hold these strategic points. To comply with the prin-

ciple of the freedom of the seas in the spirit proposed by President Wilson, England must hand over the keys of Gibraltar and Suez to the civilized world." French policy in this area was likewise the subject of sharp criticism by the Senator. In northern Africa France seeks a reservoir of man power for her future wars; in Tunis she has disregarded the convention of 1896 regarding the rights of Italian subjects. The day in which France shall keep faithfully to a regime of protectorate in Tunisia, while recognizing it as a sovereign state; when she recognizes in this region the same right for Italians as those enjoyed by Frenchmen and natives; this day will mark the beginning of a good understanding between the two powers in northern Africa. Subsequent lectures lauded the achievement of Fascism, and expressed the determination of Italy to find an outlet for her excess population through emigration, which, it was implied, must permit the retention of Italian nationality. This "biological interpretation of international ethics," as it was termed by Professor Rappard, evoked from Professor East a warm recommendation to Italy of birth control as the most rational solution of her pressing problem.

The Mediterranean Area, with special reference to the Arab Countries, was the subject of more intensive study at the round-table conducted by Professor Arnold J. Toynbee. Recent times mark a revival of this area, after three hundred years of quiescence and decay. Rising national movements in Islamic countries affect points of world importance: the Riffi movement affects the Straits of Gibraltar; Egyptian nationalism, the Suez Canal; the Turkish movement, the Black Sea Straits. Professor Toynbee devoted successive meetings of his round-table to the study of the relations of France, Great Britain, Italy and Spain in northern Africa; the relations of the European powers to the native peoples in Morocco, Algeria, Tunis, and Libya; the Egyptian nationalist movement; the Sudan, its juridical status and economic development; the economic development of the Arab countries, and nationalist movements in this area.

Professor William E. Rappard's series of lectures, under the title of International relations as viewed from Geneva, dealt primarily with the development and activities of the League since 1920. In the writer's opinion, these lectures, in power of exposition, in submission of facts, and in brilliancy of statement, excelled any presentation of this subject delivered in America since the advocacy of the League by President Wilson. Professor Rappard conceives the Covenant, drawn up at Paris in 1919, as creating in reality three leagues in one; a league to

execute the peace treaties; a league to promote international coöperation; and a league to outlaw war. The league to execute the peace treaties has gained the greatest measure of publicity; it has been in many respects a liability to the League as a whole, but an asset to the peace. Europe and the world are better for the league to execute the peace treaties. The administration of mandates has been the most successful element in this function of the League. In no case has the league succeeded in unqualifiedly enforcing the treaty provisions for the protection of minorities, but its pressure has undoubtedly exercised a moderating and constructively pacifying influence. Suppress the league and you liberate instincts of domination which at present are at least restrained. The league to promote international coöperation has had the most distinguished success, and America, through its participation in League conferences, is in effect a member of this league. The Permanent Court of International Justice is the greatest and most permanent achievement of the League. Articles x and xvi, through interpretation by the Assembly, and by the attitude of the powers, have been weakened and never effectively applied. But the league has never lost sight of its fundamental purpose to eliminate war and a revival of interest in this subject culminated in the Geneva Protocol, the eclipse of which has not exhausted other constructive possibilities. These lectures of Professor Rappard, which shortly will be published, will contribute powerfully to an appreciation of the achievements of the league, and can scarcely fail to elicit from even the inveterate opponents of this organization the admission, frequently heard from such at Williamstown, that the league is at least a "good institution for Europe."

The progress of international coöperation was presented also at the round-table on International Justice conducted by Professor Jesse S. Reeves. This group devoted chief attention to the Permanent Court of International Justice, studying its organization and structure, its judgments and advisory opinions. Professor Reeves placed considerable emphasis on the compulsory jurisdiction of the court as provided for in treaties and conventions in force, citing these as a source of jurisdictional authority for the court which will add materially to its work, and which will contribute through judicial decisions to the development of international law. Professor Rappard addressed the round-table on the subject of advisory opinions of the court, asserting that in so far as the advisory functions of the court tend to enlarge its jurisdiction and thereby contribute to the judicial settlement of con-

troversies, which otherwise would be settled on purely political lines, the advisory function is a distinct gain. In so far as this function might tend to deprive the court of the opportunity of settling disputes which in its absence would be settled by judgments, it would be a loss. That in most cases thus far advisory opinions have operated to produce the first effect is certain.

The conference conducted by Sir Frederick Maurice on the Limitation of Armaments may appropriately be designated as "a search for the right means of security," for, as the leader early asserted, the present-day formula for peace is security, arbitration, and disarmament. He recalled in this connection Resolution xiv of the 1922 Assembly of the League of Nations as stating the essence of the disarmament problem, namely, that "in the present state of the world many governments would be unable to undertake a serious reduction of armaments unless they receive in exchange a satisfactory guarantee of the safety of their country." The conference proceeded, therefore, to discuss in turn the Treaty of Mutual Assistance; the Geneva Protocol; and the Five Power Pact. Then followed a discussion of the feasibility of compulsory arbitration, and of equipping the league with a force of its own. Great Britain rejected the Treaty of Mutual Assistance, because it carried too definite commitments to armed intervention, and similarly, it discarded the Protocol because of possible embroilment with the United States in the application of the proposed blockade. The real cause of failure to reduce armaments is not due so much to the situation between France and Germany as to the whole crop of new armies in the newly created states of Europe, many of which feel insecure in their territorial acquisitions, and stand in fear of irredentist movements. Sir Frederick expressed the opinion that a limited number of states negotiating separate treaties looking to security was a better approach to the disarmament problem than attempts for a general disarmament treaty by the League. The inclusion of Russia is essential, he said, to any program of general disarmament.

Mr. Lionel Curtis' open conference on the British Commonwealth of Nations followed the spirit of the commonwealth by the adequate provisions which were made for presenting the viewpoint of its various component members. Sir Robert Borden addressed the conference on Dominions and foreign relations; Professor Timothy A. Smitty, Irish Free State representative at Washington, on the Saorstát Éireann; Ismail Kamel Bey, First Secretary of the Egyptian Legation at Washington, on Anglo-Egyptian Relations. In the opinion of Mr. Curtis, the



British Empire has survived conditions which destroyed Greece and Rome because, so far, it has always been able in the light of errors to get back to the principle of the commonwealth. Canada, the Irish Free State, India, Tropical Africa, and the Middle East, were considered at this conference. The vast experience of Mr. Curtis in British colonial affairs, and the able presentation of its various aspects by selected speakers rendered this conference an especially interesting and valuable contribution to the Institute program.

The conference conducted by Professor C. K. Leith on Mineral resources as an environmental factor in world affairs, and that led by Professor Edward M. East on Agricultural and population increase drew sharp attention to fundamental questions in international relations, which seemingly, are just now beginning to receive their proper attention by students of world politics. Unless the problem of political control of the few potential centers of mineral production are intelligently solved, said Professor Leith, wars are certain to result. His conference studied the geographical distribution of essential minerals; the mineral wealth of the United States and other leading countries, the Open Door Policy in its relation to mineral development; the nationalization and internationalization of mineral resources. France and Germany are mutually dependent on one another for the development of a great steel and iron industry. The Ruhr coal fields and the French ore mines form a unit, no part of which is independent or self-sufficing, and the influences at work to unite this region are commercially very strong. It is the political and military center of Europe. In the judgment of competent engineers, the oil resources of Galicia, Roumania and Russia constitute the greatest undeveloped region of the world. It is not true that England capital controls the major portion of the world's oil supply; American capital, in addition to local ownership, has possibly fifty per cent interest in the fields of Mexico and South America. Japan as a war menace was discounted by Professor Leith by reason of a lack of mineral resources, apart from other considerations. The iron and coal resources of Asia are not well located. Both China and Japan are woefully weak in iron ore. Iron and steel are the core of industrial development, and Asia is deficient in the essential requirements.

Professor East's conference devoted its attention to such topics as the following: Population saturation under different systems of agriculture; the present increase of world population; the physical limits to agricultural production; the present status of agricultural returns, with

special reference to Europe; the bearing of immigration on agriculture, especially in the United States; the biological and ethical aspects of birth control. "Europe," said Professor East, "has a population excess under its present agricultural returns of some eighty-five millions, a problem which statesmen will have to adjust whenever the United States and other countries cease to be exporting nations." "Emigration," he continued, "forced as an economic necessity by population density, affords no permanent relief to the homeland because the ensuing birth release reestablishes the old equilibrium. He furnished his round-table with a decalogue on migration, which was in general a strong endorsement of the present restrictionist policy of the United States.

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**Grotius and International Society of To-day.** The idea of an organization of states can be traced back as far as the beginning of the fourteenth century. But the bases of projects for this purpose differed as much as the nationality of their designers. That of Pierre Dubois, of 1306, was directed toward consolidating or increasing the power of the French kings. The well known "*grand dessein*" of Henry IV was an attempt to erect a barrier against the joint powers of the Spanish and Austrian Hapsburgs. The project, published in the first quarter of the seventeenth century, by the monk Lacroix, was the first founded on a purely pacifist international basis. The projects of the Abbé de St. Pierre, who lived at the beginning of the eighteenth century, are more interesting than any others in this series, and, in principle, of more importance than, for example, that of William Penn and his contemporaries. A project of 1782 proposed an international law court. All of these projects, however, included details now appearing absurd, and were hardly capable of realization.

He, who expects to find any such project in the work of Grotius, will be disappointed. Not that Grotius did not endeavor to mould his rich and mature ideas in a form capable of realization. Far from it indeed, and especially those parts of his famous "*De jure belli ac pacis*," dealing with the law of war of those days, point strongly in this direction. Grotius was however too sober a man, too real a thinking man, despite all the ideals that possessed him, for one to expect, that from his pen should flow the design of an organization, only to be built up, thanks to elements whose absence in his time could but too well

be noted. Who can conceive of a refined society in a state, if a majority of cultured individuals be not present there? Who can conceive of an international society of states, that may lay claim to the name, so long as states, sovereign at least in internal authority, be not present? Such was, in Grotius' time, still by no means the case in various kingdoms of Europe. France was in that respect somewhat in advance of other countries; hence the fact, that more than one project of earlier times originated from France. In Grotius' time, however, the victory with regard to state constitutions was not by any means definitely consummated. Grotius lived in a period full of confusion and strife; in a period, when the principle, for the first time established—on paper—in 1648, that a war might not be waged for matters, adjudged to be of an internal sovereign nature, was still anything but generally accepted. He lived in a time which had evolved entirely new ideas and continued to do so.

Nevertheless, it was precisely the influence of that period that led Grotius to his work. He had forerunners, undoubtedly. To mention only a few: The Spaniards, Suarez and Vittoria were such; the Italian Gentili was such in like measure. No wonder, therefore, that our Dutch friends at the other side of the Ocean, this year, that may be termed, *par excellence*, the year of Grotius, devote their attention to those intellectually great in other realms. These latter had already perceived that certain regulations, more or less mutually observed, existed in the intercourse between nations. But the League of Nations as such, as an independent conception and science, they had not yet discovered. They could not divest themselves of morality and religion, which not only dominated the defining of relations between the nations in the sixteenth century, but were considered as being almost exclusively present. Grotius broke with these conceptions; that is the great significance of his work, a significance, which his contemporaries did not fully perceive.

This significance is for those who wonder why this book of Grotius, that seemed for a long time to be forgotten, is still constantly regarded as young and new; why it is a book which, as it has been so characteristically expressed, "cannot die." It seems, especially in our time of hurried existence, a paradox to assert that a book, written three centuries ago concerning subjects on whose aspects the times have exercised so much influence as upon these, still lives among the multitude. This should not be taken too literally; live among the multitude in the literal sense, this book does *not*, even in the Netherlands. But the

historian, the jurist, the statesman above all, know that in this book truths were laid down for the first time, which were incomprehensible to the contemporary but which have gradually, slowly, but nevertheless incessantly led in the direction, which we regard as the right one.

There is, in the first place, the question as to the lawfulness of war. No new question for our time, although we can very well remember the time, when he, who would attack this lawfulness in a general sense, was declared to be stupid, if not worse. But in Grotius' time! Few were those who dared, and were able, to contest the lawfulness of war. It was not until 1648 that, thanks to that same treaty of Munster, it was established, that the right of war belonged only to a national society, not to private individuals. Grotius regarded the lawfulness of war from his own, entirely new, viewpoint. He did not contest its lawfulness in the general sense, as we do; he did not distinguish between war and a punitive expedition against what may now be termed the state-criminal. No, he imposed upon war, which in any case he continued to call such, certain criteria which were, in his opinion, necessary to give it, not a just, but a justified character. He thus assailed the character of war in its supreme significance. The fight against war is not alone directed against the fact of force, therein employed, in itself, but is especially directed against the fact, of its being considered possible to settle a dispute between two states by such violent means. It is directed against the inconsistency comprised in the fact, that between individuals in the civilized state the so-called "club-law" is abolished, and this war is maintained, yea, even surrounded with a certain fame and glory, in the society of states mutually. The idea, embodied in a project of some prominent Americans—which met with considerable interest in Europe and elsewhere in a recent year—of placing those who wage war "outside the law," a declaration thus really of outlawry, merely seems new; it is however the logical progression of the idea, once aroused by Grotius and developed, despite history and ourselves.

Reforms, both in national and international existence, proceed slowly, sometimes imperceptibly; years may elapse, ere the process of adaptation be consummated. No period, perhaps, has been so rich in varying ideas, especially with regard to international affairs as the last half century, with the ten years of war and post-war as a climax. Formerly, an attempt was made to surround war with characteristic symbols—such superfluous care is now abandoned. War is seen in its true character, as the most incorrect means of settling disputes. War is no longer acknowledged to be a means for obtaining justice; such is only admitted

to be the case when, as may also be the case in self-defence between two individuals, this violence has occasionally resulted in the right being thereby established in the right place. There is always a sense of doubtfulness, however, concerning this, and a constant feeling of the possibility of its turning out quite otherwise.

That is what Grotius for the first time taught a somewhat astonished world; that is what has, since then, slowly, drop by drop, penetrated to us. Anyone seeking, in the details of Grotius' work on the law of war and peace, for points of contact with the present society, will, at least in nine cases out of ten, be disappointed. Grotius wrote his book at a time, when the law of peace was still exclusively dominated by the diplomatists; when the law of war was dominated by factors, which did not, on the one hand, become so rapidly obsolete as at present, and were not, on the other hand, dissolved by the astounding progress of science. If one would recognize the influence of Grotius' book on society of to-day, this book should be taken as a one and indivisible whole; as a work, not in itself projecting a new structure, but which assembled the materials for this new structure. More than once we seem to encounter contradictions in Grotius' ideas; contradictions however, which are obviously to be explained by the times in which the book was written. If Grotius imposed certain criteria upon war, as justified by him—war thus, which might be placed in the same category as nowadays a punitive expedition against a state-criminal—the conclusion does not by any means follow, on his part, that arbitration, which indeed he viewed in quite a different spirit to what we know and recognize at present, must be unreservedly accepted.

Grotius was so far a child of his time, as to regard the sovereignty of states, individually, as one of the foundations of the society of states. He could not think otherwise! But, while strongly urging this sovereignty in some respects, he sets it aside elsewhere. He attacks the egotism to which this sovereignty leads when carried too far; he sees in sovereignty more a means of resisting attacks than for acquiring advantages, born of self-seeking.

Hence too the fact, that with him the real law of neutrality in war first came to the fore. Certainly, from before Grotius' time, date declarations and deeds of entirely or partially independent states, to the effect that they wished to keep out of the conflict between two or more neighbors. But Grotius, for the first, acknowledges such a declaration as a law; from Grotius' work proceeds, for the first time, a certain logical development of this law of neutrality. Our generation

comes at the end of the transition period, by which this law of neutrality must be dominated. In the orderly international society, such a neutrality law is indeed out of the question. Neither do we have it for the individual in the civilized state; if a great uprising should break out in the state to-morrow, we could not, each for himself, declare that we would join neither one side nor the other, but we would be obliged to act according to what the lawful authorities prescribed for us. The recognition however of the right of neutrality was, in the period of transition, in any case a beneficent factor.

Grotius' conception of war, the rejection on his part of the character of just decision, which may lie in the result of the war, led him obviously to the theory of execution against that state, we may term the criminal state. This principle is indeed carried out in all the later projects for a states organization. The feeling is gaining ground, that, no more than in a civilized state, the individual who violates the laws of orderly society can be allowed to go unpunished if only for the sake of example, can the state which transgresses the provisions of international society be allowed to go unpunished. Here too must the power of example operate. Grotius did not venture—and rightly so, in the environment of his time—on a detailed explanation of the manner, in which such execution should be regulated. By him are to be found nothing but general ideas, lines and provisions. Illuminated indeed by examples, derived by him—as was the case in his whole work—only from the ancients, from the Bible, in order, especially in the troublous times in which he lived, to appear impartial. For his work, it was sufficient, in the face of an astonished world, to establish the principle.

It may be asked, whether the Swedish king, Gustavus Adolphus, considered to have been one of the warmest adherents of Grotius' ideas and book, did not regard himself, in the Thirty Years War, somewhat in the light of leader of the army of execution. He was slain too young, to show proof that he did not fight alone for his own fame and glory or for the extension of the territory of his kingdom; but in any case it was mainly for the sake of the freedom of the faith he advocated. Even if it should have proved that he acted otherwise, it does not follow, that the idea that he felt originally endowed with authority to carry out this execution, need be set aside. But live, as this principle now begins to live in the international society of these times, it did *not* at the time of Grotius' generation.

No, this portion of his book will have been otherwise, more narrowly-mindedly, more prudishly, received. The admiration, which his work

universally met with, is perhaps the proof of this. Only an occasional great man, like Grotius himself, could in those times grasp the significance of his ideas; for the multitude they must have appeared foolishness, if not worse. Has it not however been frequently the case, that what had been formerly termed foolishness has led to new aspects and ideas for later times?

Holland has been called, to use a more or less familiar phrase, the land of Grotius. This honor would be too great, if it only bore reference to the fact of Grotius having been born in Holland, for no country repudiated him more bitterly during his life than Holland. Precisely, however, in connection with the significance of Grotius' labor for international society, this term comes to stand in a special light. For, be it said in all humility, it need be termed no accident, that it was a Hollander who, in the course of the seventeenth century, more or less discovered international law, established incontestably that, unseen and unnoticed perhaps, regulations existed between the nations, which were more or less closely observed. The Hollanders were the most cosmopolitan nation of that century, the settlements established by them, not only in the far-distant East Indies, but also in Africa and America, are indications thereof. The Hollanders were the "skippers of Europe," who carried the products of the Scandinavian countries to the Mediterranean, and vice versa. So well did the Hollanders understand the role of "skippers," that at a time of the most bitter struggle with Spain, they supplied the enemy direct, in order to prevent the latter from seeking for themselves the way, along which the trade of the Hollanders was carried on. Phillip II, the strictly orthodox King of Spain, did otherwise; closed to the Hollanders his market for Indian spices at Lisbon, thus compelling them to discover the way to India and thereby establish their colonial wealth. For whom should the certainty of the existence of an international law, of regulations alike applicable to states and individuals, have more value and be of more importance than for the Hollanders?

The youthful Hugo Grotius, who, when hardly twenty years of age, in 1604, was charged by the powerful East Indian Company with the task of tracing out the principles of prize-law, in connection with the capture by the company of a Portuguese vessel in the East Indian waters—he, the so youthful jurist, established in his "*Jure praedae*" the foundations for his later, more comprehensive work. Curiously enough that book, written for the East Indian Company, remained—with the exception of the chapter on the "*Mare liberum*"—in manuscript,

until discovered by chance, in the latter half of the nineteenth century, at an auction sale in Holland, when it was printed by the efforts of Hamaker of Utrecht. Grotius, living in the midst of this sea-faring people, brought up amongst the international trade of the Hollanders of those days, ought he not to have had a keener vision than a jurist of any nontrading, noncosmopolitan country? We would not be suspected, of trying to make out that he artificially designed his "*De jure belli ac pacis*," that what appears therein did not live in his soul and mind. No, what Grotius gave therein, was self-expression; but the wealth of material presented there, welled-up—possibly, probably—from the experience of the international commercial life around him.

Grotius' lasting importance was also in part established by the form of his "*De jure belli ac pacis*." He trusted in, he believed in the creation, which was his own. Grotius had no need of a states organization, artificially built up, in order to prove the vitality of the forms shaped by him. He had within himself the conviction that the transfer of the natural law to the states, which he permitted himself, possessed life, although its development had yet to come. A states organization, necessary for the consolidation of the international law discovered by him, he was not able, nor was it necessary for him, to consider. He saw the international law before him, as he endeavoured to cause his contemporaries to see it; and his conviction must indeed have been deeply-rooted, that this international law would of itself create the organization of states.

Grotius trod the path, which, just two and a half centuries after his death, was for the first time trodden anew by the first of the Peace Conferences at The Hague. These Peace Conferences commencement of what is termed "the work of The Hague," had yet, in the sphere of public law, the same task as the important conferences preceding them, for international private law, had in the sphere of this private law. They aimed at creating law between the states; to place a foundation of law, in the place of the support, wavering between might and right, which had hitherto been afforded. Had the war not prevented the third of these Peace Conferences, it would, on a broader basis than had hitherto been the case, have taken in hand this, its first task, no longer, in the main, on the territory of war law. A close connection is seen between Grotius and these Peace Conferences. Especially so, if one considers that the League of Nations, which was at first of opinion that the task of enlarging, deepening, widening of the law sphere, on which it would have to be supported, would accrue of itself from its



operations, has now entrusted to a specially qualified international commission—the task of taking in hand this enlarging, deepening, widening of the law. Law, as we all know, originates gradually and in connection with circumstances and the progress of ideas. Law is not made, but for the attaining of the codification of existing law, the progress and development of law should be closely observed.

Any one desirous of demonstrating that international law, in a limited sense, existed before Grotius took pen in hand for his "*De Jure belli ac pacis*," has an easy task. The Middle Ages already knew the "*Consolato del mare*," originating again in the Mediterranean, centre of sea-faring kingdoms of that time: Genoa, Venice, etc. But that is not the question. The question is, as to whether Grotius created something, that permanently impressed its stamp on the development of international society, and the ideas which dominated and still dominate it. This question can not be answered otherwise than in the affirmative. Grotius' admirer, The Palatine Elector, established, in honor of his work, a special professorial chair at one of the oldest universities, Heidelberg. It was the first professorship for substantially independent international law. That the first professor to occupy it should have turned aside from the fundamental principles of Grotius, in the direction of a positive law, which recognized as international law only what existed in treaties and, if need be, in universally accepted customs and writings, and which would thus in consequence cut off the breath of life from the development of international law, was no fault of Grotius. The significance of Grotius' principle was not thereby stifled although, as the characteristic phrase of our compatriot Van Vollenhoven puts it, part of the eighteenth century threw a layer of ashes over it, covering up Grotius' work.

Thanks partly to America, the great value of Grotius' labors has come clearly into the foreground and at this moment, on the eve of new days with regard to the forming of international ideas and aspects, it is clearly apparent. Grotius should not be reproached for transplanting the natural law of those days from persons to states; neither should it be made a matter of reproach, that he kept his international law in general provisions and principles, not attaching thereto a creation such as that of a states organization. He wrote his book on "*Jure praedae*," laying down therein principles, respecting the waging of war at sea, which we do not even at present fully accept, being as they are in conflict with the principle—already long applauded mentally—of inviolability of private property in maritime warfare. Yet one does not find

in Grotius' book on prize-law any proposal for establishing the Prize Court, as in our time, in 1907, was adjudged necessary, useful and possible. This does not imply, that Grotius' work would not also have imprinted its stamp on the development of these ideas, had this "*Jure praedae*" become more the common property of the science of international law. Just as it is well-established that, despite the codification of war regulations being first taken in hand in the American Civil War, Grotius may be pointed out as the father of the idea, that, no matter by whom a war may be commenced, for both parties like obligations, like laws exist.

In later times, when the afore-mentioned Lacroix and the Abbé de St. Pierre will have been long forgotten. Grotius will be held in remembrance. Gentili, Vittoria and Suarez may perhaps be borne in mind, but only as forerunners of Grotius. We are striving for a society of states, which however is not possible, without the law upon which it should be established. That law, the existence of that law, Grotius discovered; he did not of course create it, for law is not created. That law was, thanks to his discovery, developed, and the fact that this development has proceeded slowly is no reproach to Grotius, but a reproach to history, especially so to that of old Europe, that did not in sufficient measure take to heart the lessons, submitted by Grotius in his book. May the general commemoration, on the occasion of the Tercentenary of publication of his book, prove to be an indication, that not his work alone, but also the spirit of this work will be brought into practice and development, and may 1925 be also in this respect the breaking of a new dawn!

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## NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

*University of Wisconsin*

A meeting of the Executive Council and Board of Editors of the American Political Science Association was held in New York on September 8, during the session of the National Conference on the Science of Politics. Progress reports of officers and committees were received, routine business was transacted, and a committee to nominate officers for 1926 was appointed as follows: Isidor Loeb, Washington University, Chairman; John A. Fairlie, Victor J. West, R. E. Cushman, and R. D. Leigh. A full report of the third annual meeting of the Conference on the Science of Politics will appear in the February issue of the *Review*. It is expected that preprints will be available late in December.

As announced in the previous number of the *Review*, the twentieth annual meeting of the American Political Science Association will be held in New York City December 28-30. Headquarters will be maintained at the Hotel Pennsylvania, but practically all of the sessions will be scheduled for rooms in the buildings of Columbia University. The program committee, of which Professor A. N. Holcombe is chairman, plans to make a special feature of the round tables, which will occupy the three forenoons of the meeting. There were six of these last year. This year there will be eight, with chairmen as follows: (1) Administration of Criminal Justice, Raymond Moley; (2) Comparative Government, Walter J. Shepard; (3) International Law, Charles Cheyney Hyde; (4) Municipal Administration, Luther H. Gulick; (5) National Administration, W. F. Willoughby; (6) Political Parties, P. Orman Ray; (7) Public Finance, John A. Fairlie; (8) Public Opinion, Robert D. Leigh. Members planning to attend are urged to communicate with the chairman of the round table in which they are specially interested. A luncheon meeting will be devoted to "travel talks" by members of the Association who have recently been abroad; another, to reports on the work of the National Conference on the Science of Politics; and a third,

to a review of Canadian politics by Canadian speakers. There will be a session on problems of method in political science; another on methods of teaching political science, with particular reference to the introductory course; and a third on the subject of the codification of international law. A joint meeting with the American Sociological Society will take up regional planning, with special reference to New York City, and a dinner meeting with the American Economic Association and the American Association for Labor Legislation will be addressed by Sir William Beveridge, of the London School of Economics and Political Science. The addresses of Presidents Charles E. Merriam of the Political Science Association and Allyn A. Young of the Economic Association will be delivered at a joint session of the two organizations. The customary arrangements for reduced railroad rates seem to be assured.

Professor Bruce Williams of the University of Virginia has been granted leave of absence for the session of 1925-1926 for the purpose of travel and research in Europe. During the absence of Professor Williams, his courses in political science will be conducted by Professor K. C. Frazer of the University of North Carolina.

Mr. Landreth Harrison, who has been studying for the last two years at the college of law of the École Libre des Sciences Politiques, Paris, has been appointed an instructor in political science at the University of Minnesota. Mr. Ford P. Hall, B.A., B.C.L., Wadham College, Oxford, has been appointed to a part-time instructorship in the same institution.

Dr. Nicholas J. Spykman, formerly assistant professor at the University of California, has accepted a similar appointment at Yale University and is conducting graduate courses in political theory and international relations. He spent the past summer in China. Professor Edwin M. Borchard has returned from the University of Berlin and has resumed his courses in public law at Yale.

Professor Edwin Cottrell, of Stanford University, is on leave of absence for the year and will spend most of the period in the East.

Mr. J. G. Maytin, an instructor in political science at the University of Texas last year, is now studying at the Brookings Graduate School in Washington.

Professor H. B. Chubb has returned to the University of Kansas after a year of graduate study at Columbia University. He gave courses in political science during the second half of the summer session at the University of Texas.

Mr. A. D. McLarty, formerly secretary of the Illinois Municipal League, has been appointed instructor in political science and secretary of the municipal reference bureau at the University of Kansas.

Mr. Geddes W. Rutherford, formerly of Grinnell College, is now associate professor of political science at Iowa State College of Agriculture and Mechanic Arts.

Dr. Waldo Schumacher, formerly of Syracuse University, has accepted a professorship of political science at Grinnell College.

The Robert Brookings Graduate School of Economics and Government held its first commencement on September 18, when the degree of Ph.D. was conferred on ten persons. The address was given by Professor Charles E. Merriam on the subject "Majority Rule."

The staff of the school of citizenship and public affairs at Syracuse University includes the following new members this year: in political science, Professor Charles McKinley, of Reed College, Professor J. H. Toelle, formerly of the University of Maine, and Professor Lewin Rochow, who recently received his doctor's degree at the London School of Economics and Political Science; in public administration, Mr. Clarence E. Ridley, former city manager of Bluefield, W. Va.; in social psychology, Mr. Dale A. Hartman, former graduate student at Harvard and Syracuse; in economics, Professor H. W. Peck, of the University of Vermont.

Dr. C. P. Patterson has been promoted to a full professorship and to the chairmanship of the department of government at the University of Texas. Mr. B. F. Wright, Jr., who received his doctor's degree at Harvard in June, and Mr. Irvin Stewart, recently engaged in graduate work at Columbia, have been advanced to the rank of adjunct professor of government; Dr. J. E. Pate has been appointed, and Mr. R. C. Martin has been advanced, to an instructorship in government at the same institution; and Mr. Frank M. Stewart, adjunct professor, has

been granted leave of absence to do graduate work at the University of Chicago.

Brown University began on July 1 of this year a three-year study of ethnic factors in community life. The study was made possible by a grant from the Laura Spelman Rockefeller Foundation, and is being conducted by Mrs. Bessie Bloom Wessel under the direction of a committee composed chiefly of members of the university departments of social and political science, economics, and history. The project emphasizes the community as the research unit. It plans a study of racial composition and of racial and cultural fusion, and the development of a center for research in racial problems. At present Mrs. Wessel is engaged in an investigation in Stamford, Connecticut with the coöperation of Dr. B. A. Meredith, commissioner of education for Connecticut, and Mr. William E. Stark, superintendent of schools of Stamford. The main study will later be made in Rhode Island, concentrating on the city of Providence.

Between June 30 and July 18 the Harris Institute of the University of Chicago devoted itself to intensive study of the Far East. The Harris Institute was founded by Norman Wait Harris in 1923 for the "promotion of a better understanding on the part of American citizens of the other peoples of the world, thus establishing a basis for improved international relations and a more enlightened world-order." Its first meetings were held last year and dealt with sundry problems of Europe. This past summer it had to do only with the Far East, and its field was even further narrowed to China and Japan. It is probable that Latin-American questions will be taken up next year. The plan of the Harris Institute, which is conducted in connection with the department of political science of the University of Chicago, is similar to, but not identical with, that of the Institute of Politics at Williamstown. A much smaller group of people are invited to attend, and instead of the membership being divided into six or more round-tables, each under a continuous leader, all meet as one round-table under different leaders. The round-table sessions are held in Harper Memorial Library in the evening. Preceding them the members dine together at the Quadrangle Club. Besides the round-table meetings, there are lectures by the round-table leaders to which the general public is invited, and which are specially intended for the students of the summer session. Also in the regular summer session, courses are offered in subjects in the field of the Insti-

tute's special interest. Professor Quincy Wright, executive secretary, secured three foreign speakers and three American lecturers for this year's meetings. Count Michimasa Soyeshima of Tokyo, until recently a member of the House of Peers, and an authority on Japanese diplomacy, lectured on the domestic and foreign problems of Japan. Dr. P. W. Kuo, president of Southeastern University at Nanking, China, and Mr. H. G. W. Woodhead, C. B. E., editor of the *Peking and Tientsin Times* and of the *China Year Book*, presented alternative views of China's internal unrest and her relations with other powers. Mr. Julian Arnold, American commercial attaché at Peking, lectured on "China's Economic Resources," and Mr. H. K. Norton, author of *The Far Eastern Republic of Siberia*, dealt with the topic, "The Russians in the Far East." These lectures will be published during the winter by the University of Chicago Press. They were delivered in Mandel Hall in the afternoons and attracted large audiences.

Special courses on Far Eastern politics were given by Professors Harold S. Quigley, of the University of Minnesota, and Frederic A. Ogg, of the University of Wisconsin. The latter delivered the convocation address at the close of the summer quarter on the subject "New Tests of Representative Government."

**Henry Jones Ford**, *emeritus* professor of politics, in Princeton University, died at Blue Ridge Summit, Pennsylvania, August 29, after an extended illness. He had just turned his seventy-fifth year, being born in Baltimore, August 25, 1851. His teaching career was the second in which he rose to prominence, and was preceded by his career as journalist.

Graduating from Baltimore City College at the age of seventeen, he became an editorial writer for the *Baltimore American* four years later. Subsequently he held in succession the following editorial posts: City Editor of the *Baltimore Sun*; managing editor of the *Baltimore American* (1875-1879); editorial writer for the *New York Sun* (1879-1883); editorial writer for the *Baltimore Sun* (1883-1885); managing editor of the *Pittsburgh Commercial Gazette* (1885-1895); managing editor of the *Pittsburgh Chronicle Telegraph* (1895-1901); editor of the *Pittsburgh Gazette* (1901-1905).

Of the volumes on political history and government which later brought him his chief reputation, the first was published through the Macmillan Company in 1898. This was *The Rise and Growth of American Politics*, which was the fruit of reading and reflection "out of hours"

through many years. Issuing from an unacademic course, its importance was not recognized at first, but when appreciation dawned it waxed rapidly. In 1906 Mr. Ford was invited to lecture on political science in Johns Hopkins University, and two years later was offered a professorship in politics at Princeton University by President Woodrow Wilson. His association with Mr. Wilson also brought him, in 1912, the post of commissioner of banking and insurance; and a year later, after Mr. Wilson had become president, a confidential mission to Philippines, in the performance of which he is understood to have rendered a report on governmental conditions in those islands, though this has never been published. From the same source he received in 1920 an *ad interim* designation as a member of the Interstate Commerce Commission; but owing to the *impasse* which had developed between the President and the Senate the appointment was not confirmed.

During the same period Professor Ford was constantly employing his pen. Besides a great number of articles, he published the following volumes: *The Cost of our National Government* (1909); *The Scotch-Irish in America* (1915); *The Natural History of the State* (1915); *Woodrow Wilson, the Man and his Work*—primarily a campaign biography (1916); *Washington and his Colleagues* (1918); and *The Cleveland Era* (1919)—the last two of these volumes appearing in the *Chronicles of America Series*; *Alexander Hamilton* (1921); and *Representative Government* (1922).

As an editor Professor Ford had come to appreciate the great importance of the problem of control of public expenditure, and his interest in this subject led him naturally to an investigation of the broader and more fundamental problem of the proper relation of executive and legislature in a constitutional government. On this point his creed was the one confirmed by the entire course of English constitutional history, that the business of governing is executive and the rôle of the legislature that solely of criticism and control. All the chief faults of government in the United States he traced to a common rootage in a false interpretation of democracy whereby, in the language of fable, the donkey has been encouraged to put his feet in the stirrup. Although Professor Ford found his ideal of governmental structure most nearly realized in the British cabinet system as depicted at the height of its development by Bagehot, yet as early as 1898 he had detected signs of its impaired efficiency which have since become manifest to even casual observation. The strongly entrenched



office of President he therefore deemed a much securer basis for a democratic government dominated by the principle of efficient public service, could the historical tradition illustrated in the British system but be recovered for our own people.

Although he was reared in the *laissez faire* traditions of the Democratic party, and indeed remained a voting member of that party to the end of his life, Professor Ford was in essential outlook a thorough-going Hamiltonian—one who, moreover, had read and pondered his Darwin. He held that the best approach to the problems with which our closely articulated society confronts the modern student of government was that afforded by the notion of society as an organism. Nor does he anywhere in his writings manifest much interest in problems of constitutional limitation. The sole limit to the serviceability of government is that set by its efficiency.

Among Professor Ford's volumes two stand preëminent, the first and the last. *The Rise and Growth of American Politics* was a pioneer work in the history of party politics in the United States and performed the distinctive service of setting forth for the first time the reciprocal reaction of party organization and governmental structure upon one another in this country. The work is also remarkable for its prophetic anticipation of the rôle for which the presidency was soon to be recast by Roosevelt and Wilson. That both these men were influenced by this volume in which interpretative insight finds expression in some extremely good writing, seems altogether likely. The recent *Representative Government* brings John Stuart Mill's famous essay down to date. For readiness of pertinent illustration and power of sustained analysis it would be hard to match.

But upon all of Professor Ford's writings will be discovered the stamp of a philosophic and ruminative mind, nourished on the historical tradition of its science, and operating upon a wide range of materials, the harvesting of omnivorous reading. Ford had, moreover, a freshness of style, a heritage from the editorial sanctum but purged of editorial diffuseness, which enabled him to convey to his readers his own warm interest in his subject, first-hand and unimpaired. Stylistic skill supplies the place of personal presence in his pages to a rare degree. The same qualities were of course brought to his teaching. Students and colleagues alike found him a constant source of stimulative ideas and a conversationalist of rare charm.

Professor Ford was president of the American Political Science Asso-

ciation in 1918 and 1919, and was subsequently president of the Catholic Historical Society.

EDWARD S. CORWIN.

*Princeton University.*

**Non-Voting in a Typical Ohio Community.** The investigation which is described in the following paragraphs was first suggested by a plea made by Professor Merriam at a meeting of the American Political Science Association for a more careful statistical study, and a more detailed analysis, of various units of the body politic. It was further stimulated by the report of Professors Merriam and Gosnell on the study of non-voting made in the city of Chicago which report is published in book form under the title *Non-Voting*.

This study, however, differs somewhat from that made in Chicago as to method and purpose. In the Chicago survey only non-voters were studied and the chief aim was to discover why the non-voters absented themselves from the polling-booth. In our investigation data were gathered, as far as possible, on all the persons entitled to vote in the city of Delaware, Ohio, for the purpose of discovering if possible the variations in the percentage of non-voting according to age, race, sex, occupation, education and so forth.

It should be clearly understood that this is not presented as a comprehensive and conclusive study. On the contrary the writer clearly recognizes that to attach great importance to the conclusions reached would not only be unscientific but provincial. Nevertheless, it is believed that the microscopic study of political units has value. While no one is ready to say that a given community is as likely to be typical of all communities, as a given cell of a plant or an animal is typical of other cells in the organism, it is perhaps true that there is enough similarity to warrant the statement that if enough communities are studied we may generalize, on a statewide, or even a nationwide basis. If a large number of local units were studied for facts on voting and non-voting it might be safe to draw general conclusions, and the results of this survey are presented in the hope that it may suggest similar studies in other localities.

The community studied is the city of Delaware, in central Ohio, with a population according to the 1920 census of 8756, and a fairly typical Ohio community. That it is a college town does not necessarily keep it from being typical. Ohio has so many colleges that one can say, without being more than half facetious, that an Ohio town

must have a college in it in order to be typical. The only effects which the presence of a college has upon our study are: (1) a higher percentage of persons among the voters who have attended college; (2) a few more students—the number of student voters is small as most students do not vote in Delaware—; and (3) a larger percentage of teachers than is usually found in communities not containing a college or university.

The first step was to collect information regarding a large number of persons eligible to vote. The following data were secured on each voter, by personal interview with the voter himself or with members of his family; native born or naturalized; parentage, native, mixed or foreign; length of residence in the community, sex, age, race, marital condition, family relationship, occupation, type of neighborhood, type of dwelling, ownership of home, education, and religious affiliations. Altogether 4390 voters were interviewed, personally or through members of the immediate family, which means that nearly half of the population of the municipality was surveyed. The information was secured through the personal solicitation of undergraduate students in political science. A group of advanced students under the constant supervision of the instructor was placed in charge of the interviews in each precinct. The student solicitors were cautioned not to be unduly aggressive in asking for information, so it happens that under every item a limited number of blanks are found. This will account for the fact that in no item, except sex, does the total used in the calculations reach 4390, the total number actually solicited.

After the solicitation had been completed the data sheets of voters were separated from those of non-voters on the basis of the official poll books of the election of November 4, 1924 and the results tabulated under the following heads.

*Nativity.* Under this item the persons solicited were classified as native-born and naturalized. No appreciable difference in attendance at the polls was noted as between these two classes. 64.8 per cent of the native born voted while 64 per cent of the naturalized eligibles exercised the right of suffrage. The significance of these figures is lessened by the fact that only 114 of those studied are listed as naturalized.

*Parentage.* This part of the investigation revealed the interesting fact that those of foreign parentage (70.3 per cent voting) outranked those of mixed (69.1 per cent voting) or native (64.8 per cent voting) parentage, with those of mixed parentage a close second. The greater

interest among those of foreign parentage is not due, as is often the case in the larger cities, to the greater docility of the foreigner in the hands of the bosses. In fact the great majority of those of mixed or foreign parentage are themselves native-born and completely Americanized.

*Term of residence in the city.* Comparisons under this head were made only between those who had resided in the city two years or less and others. All those who were counted as having two years (or less) residence were eligible to vote in the November election. As might be expected, those of longer residence had a much better record (65.9 per cent voting) than those whose term of residence was less than two years (48.6 per cent voting). Over ninety per cent of the subjects had resided in the city more than two years.

*Sex.* Men were decidedly better voters than women, the latter showing a voting percentage of 57.1 per cent as against 72.9 per cent for the male voters. Perhaps the percentage for women is slightly too high. In the house to house canvas it was easier to find the non-voting women than the non-voting men, and of the non-voters not interviewed it is likely that the roomers, boarders and others that were missed included more men than women. Perhaps a slight downward correction for the men and upward correction for the women of the percentage of voting should be made.

*Age.* Six groups were formed on the basis of age, the twenties, the thirties, the forties, the fifties, the sixties and those seventy or over. On the basis of the voting record the group in the sixties, to which 490 individuals belong, ranked first with 81.2 per cent. This remarkably high voting record, was not approached by any of the other age groups, the nearest being the fifties with a voting percentage of 69.8 per cent. Not far behind the fifties came the forties with 64.9 per cent and the thirties with 64 per cent. Still farther down, and lower than any other age group except that of seventy and over, was the group in the twenties with 59.1 per cent, those seventy and older having a voting record of 56.5 per cent. Outside of the oldest group, where the infirmities of age no doubt contributed to absence from the polls, the interest in suffrage seemed to increase with age, the youngest group having the least creditable showing and those in the sixties by far the best record. There may be a small percentage of error under this head, as in some cases the ages were estimated, but these errors are likely to be compensating.

*Race.* About 95 per cent of the persons solicited were white and 65.0 per cent of the whites voted. Of the 236 colored people interviewed, 50.4 per cent cast their ballots.

*Family relationship.* Under this head the persons solicited were classified as head of family, wife, son, daughter, parent (including parents-in-law), brother or sister of family head, boarder and roomer. As might be expected the family head who in most cases is also the husband and father had the best record (71.7 per cent) under this grouping. The wife had a much lower record than the sons and daughters. Comparatively low was the record of roomers and boarders, indicating that unmarried persons staying at home are better voters than those living away from home. This is, of course, not necessarily due to living at home. It may result from the migratory and transient nature of the boarders and roomers rather than from the influence of home upon those who are living under the paternal roof. The worst record in this group was made by the people who are making their homes with sons or daughters. The voting percentage of this group was practically the same as that of all persons seventy or more years of age, but very much lower than those in the sixties, and the indications are that elderly persons living with sons or daughters are not likely to vote as generally as the average persons in their age group.

*Marital condition.* About three-fourths of those interviewed are married, and the percentage of voting was higher among married than among single persons.

*Type of neighborhood.* The prevailing impression that those living in the less desirable parts of the community are more likely to exercise their suffrage rights than the residents of other sections is not substantiated by the figures of this study. The persons studied were divided on the basis of the type of neighborhood into very good, good, fair and poor; and the ranking on the basis of voting percentage is in the same order, 74 per cent of those from the very good neighborhoods voting, while only 44.5 per cent of those from the poor neighborhoods exercised the franchise right. In a city like the one studied, there is, of course, less likelihood of the local bosses exerting as much influence over the poorer classes as would be the case in the larger cities. At any rate, as far as this one election in this one community is concerned, it is clear that the standard of citizenship, at least as far as voting is an indication, increases with the standard of living as far as such

standard may be based on the type of neighborhood in which one resides.

*Type of dwelling.* This item has very little significance, for in a community like Delaware only a very small percentage of the voters reside in other buildings than the family dwelling houses and there is little social or economic distinction between the various types.

*Ownership of home.* Under this head the persons studied were divided into two classes, (1) those who lived in homes owned by the head of the family occupying the same, and (2) others. The individuals were not classified into those who were and those who were not home owners, which would have made the figures a little different. It seemed fair, however, to list those voters who as sons, daughters, brothers, sisters or parents, and, of course, the wife of the head of the family who owned his own home, lived in the home, as a part of the group living in owned homes. The investigation shows that those living in owned homes voted much better (68.9 per cent) than those who were listed as tenants (57.8 per cent). A large proportion of the families in the city (nearly two-thirds) live in owned homes.

*Education.* The figures under this head show the effects of education on voting. As the amount of education increases the percentage of voting increases also. In interpreting these figures it should be remembered that the college list includes not only college graduates but all who have done any college work; that the high school list includes all those whose school days terminated during the high school years regardless of whether they were graduated, and that the elementary list includes all those who dropped out of the educational system before the secondary schools. Under such a scheme of tabulation, of course, the number of persons in the high school and college groups is much higher than if the list were limited to graduates. However, for the purpose of making comparisons between those who have enjoyed different grades of education these figures serve very well. Of those who have no school room training only 34.9 per cent voted; in the elementary group, 57.2 per cent; in the high school group, 69.6 per cent; and in the college group 78.1 per cent. As far as these data have any weight they indicate that education has a direct effect on good citizenship, at least from the standpoint of interest in suffrage.

*Religious affiliation.* Of the several denominations which show fifty or more members among the persons solicited, the Episcopalians rank first, with the Presbyterians, the Catholics, the Reformed. the

Methodists, the Lutheran and the Baptists following in the order named. The Baptists included a large percentage of colored persons. Of those with smaller representations, the Jews and the Christian Scientists showed a high percentage of voting. Under the general head "protestant" are listed 195 persons who gave their affiliations as such without designating sect. Champions of church affiliation may find comfort in noting that those without affiliation had a very low voting record. The unusually large number of Methodists is probably due to the location in the community of a university conducted under the auspices of that denomination.

*Occupations.* Those engaged in public service, which class is made up almost entirely of public officials, including policemen, firemen, mail carriers as well as other public officers and employees, took first place with a percentage of 88.1. The excellent showing made by the members of this group is partly due, no doubt, to their interest in public affairs. The fact that the group is made up almost entirely of men, most of them neither old nor young, would further explain the high percentage, as our figures show that women vote less generally than men and that persons in the twenties and in the seventies have a poor voting record.

Following closely upon those in the public service were: business executives, banking, real estate, insurance and college teachers. The only other occupational group which voted over eighty per cent was that of the railroad and traction employees. The comparatively high record in this group may also be explained by the absence of women and of young and old voters.

Merchants, professional men, public school teachers, salesmen and clerks, agriculturists, carpenters and painters make up the group of occupations whose voting records were between seventy and eighty per cent. The low record of public school teachers as compared to college teachers may be accounted for, in part at least, by the larger number of women among the former.

Those showing a voting record between sixty and seventy per cent were: clerical occupations, including bookkeepers and stenographers; machinists and mechanics; laborers; and those engaged in domestic and personal services. The largest group of all—housekeepers—with 1859 persons, showed a very low voting record, (55.6 per cent) and this may be explained by the low percentage (57.1) of women generally.

The various groups of occupations have been arranged according to the classification of gainful occupations used by the federal census

bureau. Only one class used by the bureau—the extraction of minerals—had no representatives in the community studied. Ranked in order, on the basis of interest in suffrage, the various classes stand as follows: (1) public service, 88.1 per cent; (2) professional service, 78.3 per cent; (3) trade, 77.3 per cent; (4) agriculture, 71.2 per cent; (5) clerical occupations, 69.4 per cent; (6) transportation, 68.1 per cent; (7) manufacturing and mechanical industries, 66.8 per cent; (8) domestic and personal service, 60.4 per cent. Two groups, housekeepers and students are not listed as gainful occupations.

*General summary.* The average voting percentage for the community is about 64 per cent, which is considerably higher than the average for the country generally. The most unsatisfactory voting records were found among (1) women, (2) colored persons, (3) voters under thirty years of age, (4) voters past seventy years of age, (5) roomers and boarders, (6) residents of the poorer neighborhoods, (7) those living in rented homes, (8) those with little or no education, (9) those with no church affiliation, (10) persons who have come to city recently, and (11) certain occupations. To generalize from this one study would be, as previously stated, dangerous and unfair; but if other studies should substantiate these findings we should have a basis for beginning the work of increasing the percentage of participation in public elections. It is largely in the hope that this report may stimulate further studies in other localities, so that interesting and valuable comparisons may be made, that these tables and the accompanying comments have been prepared for publication.

BEN A. ARNESON.

*Ohio Wesleyan University.*

*Comparison of voters and non-voters*

	NUMBER			PERCENTAGE	
	Voters	Non-voters	Total	Voters	Non-voters
<b>Nativity</b>					
Native born.....	2,736	1,489	4,225	64.8	35.2
Naturalized.....	73	41	114	64.0	36.0
<b>Parentage.</b>					
Native.....	2,261	1,230	3,491	64.8	35.2
Mixed.....	154	69	223	69.1	30.9
Foreign.....	308	130	438	70.3	29.7



*Comparison of voters and non-voters*

	NUMBER			PERCENTAGE	
	Voters	Non-voters	Total	Voters	Non-voters
Term of residence in city					
Over two years.....	2,616	1,352	3,968	65.9	34.1
Two years or less.....	151	160	311	48.6	51.4
Sex					
Male.....	1,467	546	2,013	72.9	27.1
Female.....	1,357	1,020	2,377	57.1	42.9
Age					
21-29.....	491	340	831	59.1	40.9
30-39.....	577	325	902	64.0	36.0
40-49.....	563	304	867	64.9	35.1
50-59.....	593	256	849	69.8	30.2
60-69.....	398	192	490	81.2	18.8
70 and over.....	175	142	317	56.5	43.5
Race					
White.....	2,680	1,446	4,126	65.0	35.0
Colored.....	119	117	236	50.4	49.6
Family relationship					
Head.....	1,364	539	1,903	71.7	28.3
Wife.....	874	653	1,527	57.2	42.8
Son.....	161	76	237	67.9	32.1
Daughter.....	189	96	285	66.3	33.7
Parent.....	34	45	79	43.0	57.0
Boarder.....	25	32	57	43.9	56.1
Roomer.....	56	51	107	52.3	47.7
Brother or sister.....	31	23	54	57.4	42.6
Miscellaneous.....	46	26	72	63.9	36.1
Marital condition					
Married.....	2,142	1,116	3,258	65.7	34.3
Single.....	666	432	1,098	60.7	39.3

*Comparison of voters and non-voters*

	NUMBER			PERCENTAGE	
	Voters	Non-voters	Total	Voters	Non-voters
Type of neighborhood					
Very good.....	462	146	608	74.0	26.0
Good.....	1,224	587	1,811	67.6	32.4
Fair.....	809	521	1,330	60.8	39.2
Poor.....	204	254	458	44.5	55.5
Type of dwelling					
House.....	2,468	1,337	3,805	64.9	35.1
Apartment.....	117	73	190	61.6	38.4
Flat.....	25	13	38	65.8	34.2
Store.....	22	11	33	66.7	33.3
Ownership of home					
Yes.....	1,900	857	2,757	68.9	31.1
No.....	784	572	1,356	57.8	42.2
Education					
None.....	22	41	63	34.9	65.1
Elementary.....	1,124	840	1,964	57.2	42.8
High School.....	848	371	1,219	69.6	30.4
College.....	684	192	876	78.1	21.9
Religious affiliation					
Methodist.....	1,356	700	2,056	66.0	34.0
Catholic.....	280	100	380	73.7	26.3
Presbyterian.....	285	89	374	76.2	23.8
Lutheran.....	161	84	245	65.7	34.3
Baptist.....	138	108	246	56.1	43.0
Protestant.....	120	75	195	61.6	38.4
Reformed.....	92	40	132	69.7	30.3
Episcopalian.....	71	20	91	78.0	22.0
Jewish.....	11	3	14	78.6	21.4
United Brethren.....	24	18	42	57.1	42.9
Congregational.....	9	5	14	64.3	35.7
Christian.....	9	11	20	45.0	55.0
Christian Science.....	20	6	26	76.9	23.1
Quaker.....	5	2	7	71.4	28.6
Seventh Day Adventist.....	6	5	11	54.5	45.5
International Bible Students.....	2	5	7	28.6	71.4
Miscellaneous.....	19	38	57	33.3	66.7
None.....	166	189	355	46.8	53.2

*Comparison of voters and non-voters*

	NUMBER			PERCENTAGE	
	Voters	Non-voters	Total	Voters	Non-voters
Occupations					
Agriculture.....	47	19	66	71.2	28.8
Manufacturing and mechanical industries..					
Business executives, including contractors.	55	9	64	85.9	14.1
Carpenters and painters.....	70	23	93	75.2	24.8
Laborers.....	308	180	488	63.1	36.9
Machinists and mechanics.....	84	45	129	65.1	34.9
Total.....	517	257	774	66.8	33.2
Transportation.....					
Railroad and traction employees.....	69	17	86	80.2	19.8
Drivers.....	29	29	58	50.0	50.0
Total.....	98	46	144	68.1	31.9
Trade.....					
Banking, insurance and real estate.....	48	8	56	85.7	14.3
Merchants.....	230	66	296	77.7	22.3
Salesmen and clerks.....	134	47	181	74.0	26.0
Total.....	412	121	533	77.3	22.7
Public service, including public officials...	52	7	59	88.1	11.9
Professional service.....					
Professions, including medical, legal and clergy.....	74	19	93	79.5	20.5
College teachers.....	61	11	72	84.7	15.3
Public school teachers.....	74	28	102	72.5	27.5
Total.....	209	58	267	78.3	21.7
Domestic and personal service.....	58	38	96	60.4	39.6
Clerical occupations.....	50	22	72	69.4	30.6
Housekeepers.....	1,034	824	1,859	55.6	44.4
Students.....	66	17	83	79.5	20.5
Retired.....	77	35	112	68.8	31.2
No occupation.....	38	33	71	53.5	46.5

## BOOK REVIEWS

A. C. HANFORD

*Harvard University*

*The New History and The Social Studies.* By HARRY ELMER BARNES.  
(New York: The Century Company. 1925. Pp. xvii, 605.)

With the now popular alternative of educational omni-competence or social catastrophe as a hopefully shadowy setting, Professor Barnes addresses this ambitious survey primarily to "earnest and ambitious teachers of the social studies." In the large he proposes to explain the "new history" and then to indicate in successive chapters the mutual indebtedness, actual and possible, of history and the various social sciences.

Human welfare, our author argues, has heretofore been little furthered by historical research. Having acquired an accurate method, traditional history used it to glorify the trivial and to immortalize the irrelevant. To save scholarly energy from historical inanity, a new principle of selection and a resulting humanized content are necessary for history. It is upon the latter demand that emphasis falls. Now the various social sciences are precisely techniques for reconstructing the past. History without them is empty; they without it are blind. Their insight pooled, the social sciences can render the historian sensitive to, and fill history with, the rich content of full living. With geography to furnish a natural setting, psychology to explain collective action and reveal clues to individual motivation, anthropology to give a true institutional perspective; with sociology to provide a generous social orientation and a synthetic supplement to the genetic method, natural science and technology to represent a highly important, though much neglected, factor in social progress, economics to stand for perhaps the most fundamental single causative agency; with political science humbled into its minor and valid sphere, and ethics chastened,—with all these we can so exploit the past as to explain the present for the sake of a more humane future.

All in all this pretentious volume constitutes a generous and valuable survey of the recent literature of all the social sciences, without often

becoming a mere string of book reviews. It suffers somewhat in scholarship from being a collection of revised papers and lectures. Emphasis does not demand all its repetition, and accuracy might be improved by less rhetoric than goes well in oral presentation. Moreover, it is doubtful whether history is the best vantage point for the enterprise envisaged. Temporal sequence, though always convenient for classification, is seldom profound as a *fundamentum divisionis*. Professor Barnes himself sees how impossible is the task that he lays upon historians, and so he is prepared—if so it turns out—to have history gradually assimilated as a methodological adjunct by each particular science. Only the sociologist would then remain to keep us whole. And a principle of interpretation is as essential for him as is a principle of selection for the historian. Professor Barnes' attitude toward ethics deepens a suspicion, born independently, that he does not adequately feel this crucial difficulty. He does not seem fully conscious of how great a multitude of prejudices such an honest-seeming pietism as "general welfare" can cover. But certainly his arraignment of traditional history may well give pause to us all. For history is not the only intellectual preoccupation that has grown so expert at the how as to lose all sane judgment as to the what. The only available corrective of this impetus toward sterility is a fellow-feeling broad and strong enough, in spite of intelligence tests and class interests, to count each person for one and nobody for more than one. Professor Barnes, like so many other modern students, has in this regard suffered—prematurely, it may be, at the hands of differential psychology. Not methodology alone, nor content either, can guide social studies fruitfully. An equalitarian sympathy is man's saving grace, and no scheme for social education can afford to forget it. May its nurture not be after all the primary function of education in a democracy?

T. V. SMITH.

*University of Chicago.*

*Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918.* (New York: Charles Scribner's Sons. 1925. Two volumes. Pp. 546, 473.)

These two handsome volumes interest from quite different angles: They abound in the personal element that makes reading easy; they give us more than glimpses of two cultured, charming households; they disclose the characters of two of the most influential statesmen of our time; and they throw light on not a few of the eventful happenings in

the third of a century ending with the World War. As source material for history they will rank high.

Few knew of the intimate relations between these two men. In the public mind they were of distinct types, quite inharmonious. One was thought of as austere, cold, self-contained, reactionary—a patrician; the other as warm-hearted, sympathetic, ebullient, revolutionary—the ideal of plebeians, if not one himself. It was not the first time that in personal estimate the public mind was wrong. These letters reveal a human Lodge, and a Roosevelt who had with him very much in common. Their relations were of the closest. Two such brothers in spirit can hardly be matched in the history of public life.

They wrote to each other with complete frankness and evidently with no calculation that their letters would ever be read by strange eyes. This gives confidence that in such a matter, for instance, as the break between Roosevelt and Taft there was none of the personal feeling that gossip told of at the time. To be sure, the real causes remain as much of a mystery as ever, for the letters will not show any judicious man what genuine and sufficient basis there was for the rupture that culminated in the bolt of 1912. The failure to get at the inside of this disaster is one of the few disappointments in these volumes. The historian, however, will find an offset in the disclosure of the circumstances relating to the peace treaty effected between Japan and Russia. For example, it will delight him to discover that in a letter from the White House, June 5, 1905, headed, "Confidential—Only you and Nannie [Mrs. Lodge] must see this," the President told the Senator that the Japanese Government had requested him to move for peace, stipulating that it should appear as if on his own initiative, and that they should not in any shape or way appear as asking it.

As a rule the things of historical interest are in Roosevelt's part of the correspondence, and indeed in all other respects it holds attention more. As Mr. Lodge made the selections, modesty doubtless led him to give his own contribution the subordinate place, and anyhow Roosevelt's personal characteristics made his the more revealing, the more interesting letters. He lived in the superlative mood. Hyperbole stimulates. Also it amuses, even though at times it may become fatiguing. If allowance be always made for this predominating figure of speech, much edification is to be had from the candid, caustic judgments that teem in these writings. Particularly will the reader find satisfaction in them if his own bent of mind is like that which marked Roosevelt, painted to

perfection by himself in half a dozen words—"Heavens, how I like a positive man!"

ROBERT LUCE.

*Washington, D. C.*

*The Crisis of Democracy.* By MORITZ JULIUS BONN. (New Haven: Yale University Press. 1925. Pp. 103.)

*The British Labor Movement.* By R. H. TAWNEY. (New Haven: Yale University Press. 1925. Pp. 189.)

These lectures, delivered at the Institute of Politics at Williamstown last year, are interesting evidence of the state of liberal thought in Europe at the present time.

Dr. Bonn discusses government by conference (the parliamentary system), the theory and practice of violence (bolshevism and fascism with their milder prototypes), the disintegration of the state, and vocational parliaments. Perhaps the most suggestive interpretation of European (especially German) political psychology he offers is in describing the breakdown of the conception of the state. Regionalism was the first suggestion for retaining authority in the hands of the hitherto dominant classes; when that movement failed, "cutting off" functions from the state ensued. "A new creed of Cobdenism arose, aiming at a great restriction of the sphere of government. . . . For some time a theory of nonintervention in the sphere of economics was advocated as it had never been advocated before, demanding self-government for industry." The theory was applied in other directions as well; in executing the treaty and foreign affairs, in police matters and even national defence in the Baltic provinces. Dr. Bonn points out that "in Central Europe the classes who disassociated themselves from the state were the classes who had formerly ruled it." Governments were conducted by minorities using violence and intimidation instead of conference as their formula. This he considers the real crisis of democracy—the decline in the spirit more than a departure from the form of democratic government. The cure he offers is a cure of the soul rather than of the body politic.

Mr. Tawney's chapters deal with the history and present program of the British Labor Party as the exponent of the labor movement. Delivered during the period of its tenure of the government benches, they carry a note of confident optimism which the party's success warranted. Nor has its defeat lessened the validity of the optimism.

But, persuasive as are Mr. Tawney's arguments for the program, it simmers down, under his skillful mixture of the ingredients, to a very mild and quite innocuous brand of reform. One wonders whether the M. P.'s from the Clyde would recognize it or the seven authors of *The Labor Party's Aims* would subscribe to it. It does not represent the opinion of the more radical wing of the party or the Trades Union Congress. In discussing nationalization, international affairs, education, and socialism, Mr. Tawney illustrates his dictum that "the important and difficult questions lie not on the plane of principle, but of expediency in any particular case, and can only be decided when the particular case arises." His picture was true for 1924, and for the party in office.

PHILLIPS BRADLEY.

Amherst College.

*The Life of Abraham Lincoln.* By WILLIAM E. BARTON. (Indianapolis: Bobbs-Merrill Company. 1925. Two volumes. Pp. xvi, 517, 516.)

In view of the numerous biographies and studies of Abraham Lincoln, it might be questioned whether a compendious two-volume life would contain enough new material to justify its publication. Within recent years, however, biographical studies have been undertaken from a new angle in which the psychological approach has been greatly emphasized. Strachey's *Life of Queen Victoria* and biographical studies of Gamaliel Bradford, to mention but two examples, illustrate how the psychological approach may reanimate material which has already been rather thoroughly exploited by earlier writers. Dr. Barton attempts the double task of showing "that the actual Lincoln was developed by his successive environments" and of presenting "a knowledge of the growing personality of Lincoln."

To the purely objective side of Lincoln's life:—the dates and facts of his career and the events with which he was associated—these volumes add little that is new. Certain disputed questions of fact are fully and carefully examined and some new material is brought forward to substantiate the conclusions reached. Especially is this true in dealing with the early life of Lincoln, and more specifically with the career of his grandmother, Lucy Hanks. This subject has been fully treated in the author's earlier volume, *The Paternity of Abraham Lincoln*, but the present volumes contain some new documentary material which alters the conclusions there set forth. In the chapters dealing with the ancestry, family and early life of Lincoln, Dr. Barton makes use of a significant mine of information, the records of the counties and the



county court of Kentucky, and presents documentary evidence to substantiate his conclusions.

Since the book attempts to present a biography rather than a history of the Civil War and the administration of Lincoln, only about one-third of the two volumes is devoted to that phase of his career. In this treatment more stress is placed upon the development of the personality of the man and his reactions to the events with which he was concerned than upon the presentation and discussion of the events themselves.

Viewed as a study of the interaction of personality and environment, the volumes are of great interest. Dr. Barton qualified himself by early experiences, travel and research to portray sympathetically and understandingly the frontier environment of Kentucky in the first third of the nineteenth century, and the life in the small towns of New Salem and Springfield in Illinois in the second third. He attempts with success to analyze the thoughts, emotions and ambitions of Lincoln's contemporaries and to set forth the spiritual and material environmental background upon which Lincoln's character developed.

In the last two chapters Dr. Barton attempts to evaluate the personality of the President and his wife. Mrs. Lincoln is treated sympathetically, with no attempt to disguise her shortcomings or misfortunes. In the chapter on the President, Dr. Barton, drawing from the material discussed in the earlier chapters, presents a character and personality which does not differ greatly from that portrayed by other biographers. In fact, opinions will probably differ concerning the value of the last five chapters of the work.

EVERETT KIMBALL.

*Smith College.*

*The World After the Peace Conference.* By ARNOLD J. TOYNBEE. (New York: The Oxford University Press. 1925. Pp. 91.)

*Survey of International Affairs, 1920-1923.* By ARNOLD J. TOYNBEE. (New York: The Oxford University Press. 1925. Pp. xv, 526.)

These books by Mr. Toynbee are published under the auspices of the British Institute of International Affairs. *The World after the Peace Conference* is designed to be a study of the transition period from the work of the Peace Conference to the reconstruction of Europe under the peace arrangements of 1919. It is, therefore, described as an "epilogue" to Temperley's *History of the Peace Conference at Paris*, and as a "prologue" to the author's *Survey of International Affairs*. The book sets

forth the general movement of history, the political map as it existed at the outbreak of the war in 1914; the world's political map in 1920-23; the international "horizon" as disclosed by the relations of states, the contact of civilizations, and the economic equilibrium; and the foreground. As a study in political transition, the book will serve a useful purpose in tying the general peace arrangements with the international events which have followed. The lack of an index detracts from its utility.

The *Survey of International Affairs, 1920-1923*, is a statement, analysis and discussion of international affairs growing out of the peace settlement of 1919, and of international situations which have arisen since the treaties were put into execution. The study is designed to treat, not of states, nor the British Commonwealth, nor of human affairs, but of the relations of states, and this has determined the inclusion and arrangement of the subject matter. The author first gives in brief but comprehensive form the discussions and results of the eighteen international "continuation" conferences following the Paris conference. He next discusses the League of Nations as an example of international government, pointing out certain results flowing from the meetings of the council and the assembly, and indicating the work of the International Financial Conference at Brussels in 1920. These chapters, taken together, form an account of the organization and work of the several instruments of international authority during the three years covered by the writer. The remaining parts of the book deal with international problems which have arisen in western Europe, eastern Europe, the Islamic world, tropical Africa, and the Far East and Pacific regions. The appendices include a letter of the former president of the reparations commission; documents relating to the union of Bessarabia with Rumania; the Franco-Polish and Polish-Russian agreements; the Little Entente treaties; and the Washington treaties. The value of the book is enhanced by the inclusion of maps of the Rhineland, the Baltic, the Danube, the Caucasus, the Far East, and the World on Mollweide's projection.

In discussing the relations of western European countries, the author has given attention to the status of Belgium and Luxemburg, and the administration of the Saar Basin by the governing commission under the League of Nations. The political questions between Germany and the allied powers embrace the execution of the treaty of Versailles, the occupied territory, and the military control and disarmament of the German Reich. The reparations problem is covered down to the

occupation of the Ruhr basin by France and Belgium. The Eastern European situations cover a wide variety of subjects, such as the minorities' treaties, the Aaland island controversy, Polish questions, the reconstruction of Austria, the Corfù affair, the Danube question, and frontier matters. The section on the Islamic World deals with certain questions in North Africa, and the relations of Russia, Turkey, the Transcaucasian republics, British India, and Afghanistan. The section on Tropical Africa deals with the administration of mandated territories, and with measures of international control designed to improve the condition of the native. The part on the Far East and the Pacific deals with Russia, China, the four-power group consortium for foreign loans to China, and the settlements of the Washington conference.

The value of this important book lies in its purpose, and in the execution of that purpose. The writer and the Institute which has supported his work have no axe to grind and no point of view to urge and maintain. In these days of democracy in diplomacy, everyone who can speak or write with persuasion or conviction seeks to qualify as an expert on international affairs. It seems that the more spectacular and extravagant the claim, the more welcome it is to the masses. Ministers, politicians, popular lecturers, leaders of women's clubs, and a host of others, now discuss and settle international affairs with an authority and finality which overwhelm the expert trained in history, government, and law, and the administrator of foreign affairs, who are accustomed to arrive at conclusions through an orderly process of thinking, and whose reflections are governed by fact rather than by fancy. Such books as this will aid materially in retiring from the field of discussion the more articulate but less profound authorities, and in restoring that degree of sanity and common sense in the consideration of foreign relations which must obtain if democratic control is to succeed. Moreover, such facts as are so conveniently and authoritatively assembled by Mr. Toynbee must be mastered by the electorate and its leaders, or they will fail in learning the game of diplomacy.

These books should be on the desk of every speaker, writer, student, and citizen interested in international affairs.

CHARLES E. MARTIN.

*University of Washington.*

*The Recent Foreign Policy of the United States.* By GEORGE H. BLAKESLEE. (New York: The Abingdon Press. 1925. Pp. 368.)

The George Slocum Bennett Lectureship in Citizenship was estab-

lished at Wesleyan University in 1918. The sixth series of lectures was delivered by Professor George H. Blakeslee of Clark University, and an alumnus of Wesleyan. The distinguished services rendered by the author to his government as technical adviser to the American delegation to the Washington Conference of 1921, and as a member of the commission of inquiry to prepare data for the American delegation to the Paris Peace Conference of 1919 make the lectures all the more significant. They seem to come from a man who has had a hand in the game, and not from one sheltered in a cloister. The lectures embrace the policy of the United States toward Europe; the Monroe Doctrine and related policies; recent developments in Pan-Americanism; coöperative action in the Far East; the question of Japanese immigration; and the future of American foreign policy.

These lectures bring together, within the compass of a small volume, the essential facts and principles of American foreign relations under the guidance of Secretary of State Charles E. Hughes. The book will serve one useful purpose generally passed over in these days of wholesale criticism of our foreign policy. It brings into bold relief the fact that the development of our foreign policy during the years of reconstruction has been significant, and the further fact that many of the statements and restatements of our policies as regards different regions of the world will have something of a permanent application. Our policies as regards Latin America, Europe, the Far East, and world peace have been redefined. Such redefinitions are all the more lasting because they have been made during peace times, and with a view to future peaceful relations. The international and constitutional situations growing out of the Spanish-American war made possible distinguished contributions to our international and constitutional practice by such men as Senator Root and William Howard Taft. The service of Secretary Hughes in working out difficult international situations following a bitter period of controversy is no less notable, and even more significant, in view of their world-wide application.

The author develops, through logic and fact, but not through design, the regional character of our foreign policy. Our relations with Europe, Latin America, and the Far East are governed by different policies which spring from different interests, but from the same ideals. As regards Europe and the League of Nations, we continue to support movements toward peace through independent action, and to deal with situations as they arise, without pledging action in advance of the contingency. In Latin America, we apply the Monroe Doctrine and interfere suffi-

ciently to prevent the intervention there of strong creditor nations. We also coöperate in the development of Pan-Americanism. In the Far East we coöperate with the interested powers to remove the causes for war in the region of the Pacific Ocean, and to preserve to China and the nations of the world equal commercial rights in that country which has almost been dismembered by the powers.

This book will be welcomed by every student of foreign policy and every friend of world peace.

CHARLES E. MARTIN.

*University of Washington.*

*La Politique de la Suisse dans la Société des Nations, 1920-1925.* By WILLIAM E. RAPPARD. (Geneva: Editions Forum. 1925. Pp.155.)

In this brief but comprehensive work Professor Rappard has presented "a first balance sheet" of the relations of Switzerland with the League of Nations. The number of these relations, all of them of real importance, is so great that there is some basis for the author's fear that his readers might experience in the end "together with a certain lassitude a feeling of intellectual confusion closely akin to vertigo." Even so there would remain the conviction that in spite of its diminutive size Switzerland has been an uncommonly active and useful member of the League of Nations. As a matter of fact, however, Professor Rappard has classified and ordered his extensive subject matter so well that it is not difficult for the attentive reader to form a clear conception both of the motives and actions of Switzerland as a member of the League. Following a brief first section devoted to Switzerland and the structure of the League there is a longer section on Switzerland and the functions of the League, the latter taking up in order the execution of treaties, international collaboration, and the maintenance of peace.

Naturally, many of the relations with which Professor Rappard deals are of interest primarily to Swiss readers. Because of the universal appeal of the League, however, some of them will attract general attention. Among the latter one may mention his exposition of the conditions which led Switzerland, upon entering the League, to safeguard its neutrality and to protect itself in the matter of armed intervention, conditions moreover which made themselves manifest in all the subsequent discussions of disarmament and in connection with the Protocol. Also Professor Rappard presents admirably the motives which have made the Swiss persistent advocates of the right of amendment of the League covenant, and which have caused them to favor the evolution of

the League toward universality of membership. One must admire the wisdom of the Swiss policy, as he expounds it, in abstaining from interference with the Secretariat.

Professor Rappard makes it clear that at all times Swiss representatives in the Assembly have followed conscientiously the instructions given them by their home government. It is not so generally known as it should be that since 1921 the Federal Council has published the texts themselves of the instructions furnished to their delegates. On the other hand Professor Rappard does not hesitate to criticize frankly such errors as that made by the Swiss government when it appointed to the recent opium conference a representative of a certain firm in Basel which had been mentioned frequently in connection with seizures of narcotic drugs.

Many pages of Professor Rappard's book will appeal to foreign quite as much as to Swiss readers. His discussion (p. 141 *et seq.*) of the attitudes taken by the principal nations of the world at the inception of the League and more recently is admirable. In particular, American friends of the League will read this passage and many others not without a keen sense of regret at our isolation from the great constructive movement of the times in which Switzerland has played so worthy a part.

ROBERT C. BROOKS.

*Swarthmore College.*

*Le Problème du Régionalisme.* By HENRI HAUSER. (Paris: Les Presses Universitaires de France. 1925. Pp. xii, 176.)

This little volume is a suggestive addition to the "regionalist" literature to which the past half-century has given birth in France. Much of that literature was abstract and argumentative, written to support specific projects for ambitious regional decentralization. In contrast, M. Hauser's book is essentially an unvarnished account of an interesting practical experiment in economic regionalism initiated, curiously enough, during the progress of modern war, which demands by its very nature a highly centralized machinery of control and operation. But the heavy bureaucratic régime centering in Paris proved both inadequate and ill-adapted to handle big economic activities "*en province*." Furthermore, the threatened occupation of Paris by the enemy, the actual invasion and systematic devastation of the industrial heart of France, and the fact that many sections of the country were thrown, so to speak, upon their own resources, called for a more unified and intensified economic life, independent of the capital, than existed in 1914.

As M. Hauser relates it in characteristically vigorous phrase, the war-time regionalist experiment evolved through two distinct phases. The first consisted in the creation by the government in 1915 of a number of consultative committees of economic action, whose function it was to facilitate and coördinate the agricultural and industrial activities of twenty regions corresponding with the existing division of the country for the purposes of military administration. The personnel of each of these committees included not only military and civil administrators, but two representatives (per department) chosen by chambers of commerce, manufacturers' associations, and agricultural organizations. While their powers were only advisory, they were able to perform useful service in stimulating the recruitment of labor, opening up war industries, and generally working out a comprehensive program of production for each regional division.

But the ministry of commerce, under the headship of M. Clementel, aspired to go further in the direction of developing economic regionalism. In 1917 it proposed the organization of "regional councils" with more than merely advisory functions, and with a broader basis of membership, which should include delegates named by departmental and municipal councils as well as men chosen from chambers of commerce, industrial and agricultural organizations, and the corps of local civil servants. This proposition, however, proved too ambitious for acceptance by Parliament, which, after a confused wrangle, left the minister's hands free to carry through a more modest reform. By a ministerial circular, issued under the authority of a law of 1898, local chambers of commerce, nearly 150 in number, were invited to group themselves into regional units to handle matters of economic administration requiring the cooperation of two or more departments. Most of the chambers responded favorably, and by 1921 eighteen regional organizations were more or less actively functioning, with considerable promise of permanence.

That this experiment, as the author confidently believes, will revive the pre-war regionalist movement in the political sphere and pave the way for the adoption of full-fledged regional decentralization in France, a foreign observer is reluctant to suggest. But M. Hauser's book will be read with interest and profit both by American and by European students of this timely problem.

WALTER R. SHARP.

*University of Wisconsin.*

*International Economic Policies.* By WILLIAM SMITH CULBERTSON.  
(New York: D. Appleton and Company. 1925. Pp. xviii, 575.)

On page 481 the author has written: "It has been a purpose of this volume to consider the disputes and grounds for disputes which have arisen among nations from economic causes." And on page 394 occurs another statement of the significance which attaches to the subject of this study: "When traders of one nation attempt to sell their products abroad, they come in competition with the traders of other nations, with the result that world economics become world politics involving individual governments." The reviewer knows of no other book which presents so many considerations in support of this now fairly well recognized theorem and none in which clearness of thought and simplicity of style contribute more successfully to produce an interesting and comprehensible treatment.

Mr. Culbertson, whose eminently successful experience as a member of the tariff commission renders him the logical author of this book, appears to have had two objects in mind in writing it. Primarily it is a book of facts, a textbook, covering the whole gamut of international economic relationships; significant if secondary is the commentary upon the facts, the interpretation of their trends and the expression of the author's widely informed and liberal philosophy of internationalism. A large proportion of the book is given to those less romantic but pervasive and permanent factors: commercial treaties, in which their features are carefully though rapidly distinguished. They are divided into two groups: those which provide for "national treatment" and those which specify "most-favored-nation treatment." Principles and methods of tariff bargaining, protectionism, preference and assimilation in the colonial administration of the several colony-holding states, and the closed and open-door policies—all are handled concisely and definitely.

It would seem to the reviewer more logical to have placed chapters XI and XII, which deal with "Competition and Combination in International Commerce" and "Commercial Policies affecting Shipping" immediately after chapter VII on "Colonial Experiences of the United States," and to have made chapter VIII on "The Open Door" the penultimate chapter, since the two former conclude the discussion of commercial treaties while the latter is concerned not only with commerce and shipping but with the great problems of raw materials and capital export, which are treated in chapters IX and X. The final chapter: "The



Foreground of the Modern World," is an essay on the new nationalism and its essential relationship to internationalism, of interest in itself, if hardly such a body of conclusions as would naturally flow from the whole context of the book. There are nine appendices in the nature of extended footnotes.

From among the various excellent chapters it would be simply the evidence of individual preference to suggest the superiority of one over another. All contain fresh data and new angles of vision on the subjects they concern. The only regret is that often the necessities of limited space prevent the extent and depth of treatment that could be desired. It is pointed out, *inter multa alia*, that the United States has dropped its earlier insistence upon conditional most-favored-nation treaties in favor of the unconditional type; (pp. 92-5) that on the other hand its colonial tariff policy is the "least liberal of any nation" (p. 231). In general the open-door policy as applied in the colonies of the various states is said to be losing ground (p. 298); colonial preference (p. 230), and tariff-bargaining (p. 115), are condemned. Somewhat *ex cathedra* it is declared that: "The American Government has never under any administration used or sanctioned the use of loans, investments, or other economic measures for the purpose of aggression." (p. 367). The necessity of an American merchant marine is recognized but it is urged that not public subsidy but a revival of the genuine interest and indomitable persistence that marked the clipper era of American shipping must form the basis of a sound shipping program (p. 473).

From the many statesmanlike ideas suggested or endorsed by Mr. Culbertson for the improvement of international economic relations one might construct a well-rounded scheme of international control. One of the appendices elaborates the method of conferences, the author's program for American action submitted for the Bok prize. He is a firm supporter of the open door (pp. 292, 324, 334), and of the conservation of raw materials. (pp. 334-340). He emphasizes the necessity of international coöperation in the control of international finance (pp. 382-392). He suggests that "a first step in economic disarmament would be an international agreement to refrain from state encouragement and promotion of trade" (p. 427). Throughout the entire volume, supporting the technical analysis but never intruding upon it, runs the constructive argument which represents the author's contribution to the solution of the problems raised. "Civilization," he writes, "has had its very existence imperiled by a misuse of its own material achievements

and with this warning must turn its attention to devising methods of controlling these forces to social ends. In international affairs at least the way to *good* government is to have *more* government" (pp. 22-3).

HAROLD S. QUIGLEY.

*University of Minnesota.*

*Extraterritoriality: Its Rise and Its Decline.* By SHIH SHUN LIU. Studies in History, Economics and Public Law. Volume CXVIII, no. 2. (New York: Columbia University Press. 1925. Pp. 235.)

Dr. Liu's monograph does not profess to be an exhaustive treatise upon what he very correctly calls, "the vastly complicated subject of extraterritoriality." However, it does show clearly and succinctly "the historical development of the system of consular jurisdiction as a whole, . . . how it arose, how it later grew in importance, and how finally it has in recent years declined," its abolition or modification having been accomplished or attempted through annexation, transfer of jurisdiction, separation, protection, unilateral cancellation, or diplomatic negotiation.

It is not Dr. Liu's purpose to discuss the actual workings of the extraterritorial system in the various countries in which it has been established and no matter how much we desire that sort of treatment, Dr. Liu's study is not to be criticised from that standpoint. There is, however, a great need for a consideration of extraterritoriality from the point of view of its actual operation and not merely from that of an infringement upon an abstract sovereignty. How does consular jurisdiction really work in a world of living men and of living law? Is there any good in it which should be preserved and, if so, what limitations should be put upon it to prevent its interference with local institutions and the development of an even-handed and uniform administration of justice? Could it be extended with advantage to European and American countries in a limited way as, for example, in matters such as the administration of the estates of deceased aliens?

That extraterritoriality as it has been established by the treaties and arrangements so thoroughly investigated by Dr. Liu, is, both in the Near East and the Far, a decadent institution, no one who has had actual experience with it, from the standpoint of a state subject to its burdens, will deny. The situation in many places is intolerable, with its lack of uniformity, its special privileges based only on a claim of nationality, not always genuine, and its faulty administration by consuls inadequately trained, or trained not at all, in legal methods and

habits of legal thought. It is inconceivable that a system should persist which, in its present form, so far as the administration of criminal justice is concerned, results not infrequently in the dismissal with a warning only or the imposition of a merely nominal punishment, if the accused is a national of a state possessing extraterritorial privileges, while a native, under similar circumstances, perhaps a participant in the same offense, is punished severely by the local tribunals. Nor is the situation better with regard to the administration of civil justice in those cases in which plaintiff and defendant are of different nationalities. The inability to compel the attendance of witnesses, the impossibility of bringing together all the parties to a transaction before one tribunal, so that full and complete justice may be done, are grave obstacles impossible to be overcome so long as the system continues.

The evidence in treaties and conventions of the decline of extraterritoriality is very clearly set forth in Dr. Liu's last chapter on the modification or abrogation of extraterritoriality through diplomatic negotiation. Advances in the local law and administration of justice, though sometimes rather tardily recognized by the powers possessing extraterritorial privileges, have been the most potent influence at work to bring about either a substantial modification of extraterritoriality or its complete abrogation. Extraterritoriality, from that point of view, has been of great value to the countries in which it exists, in the stimulating effect it has had upon the development of local law and judicial organization. The benefit of such a stimulation, however, is very much impaired if the recognition of such local and judicial improvement is not made for its own sake by the extraterritorial powers but is coupled with demands for extraneous political advantages. The wisdom of Dr. Liu's statement on page 235 cannot be gainsaid: "The interests of justice and fairness will best be served by the conscientious endeavor of the one side to improve the judicial system and of the other to refrain from introducing into what is primarily a legal question irrelevant considerations of a political nature."

On page 214, there is an error in the quotation from the Anglo-Siamese treaty of 1909. The quotation should read, "all British subjects in Siam registered *before* the date of the present treaty."

In note 1 on page 91, Dr. Liu discusses the claim by Chile to extraterritorial privileges in China based only upon a most favored-nation clause. Dr. Liu's conclusion is that, in China, an express provision is essential. This may be true as to China but it cannot be said to be true generally, as British extraterritoriality in Persia is or was based exclu-

sively upon the most favored nation clause contained in the treaty of 1857.

Dr. Liu's study has been done with great care and detachment and is a valuable contribution to the literature of this most important and delicate subject.

ELDON R. JAMES.

*Harvard Law School.*

*Effective Regulation of Public Utilities.* BY JOHN BAUER. (New York: The Macmillan Company. 1925. Pp. ix, 381.)

This is an admirably clear and forceful presentation of the investment standard of public utility valuation. Although the book will probably be thus classified in public utility literature, Dr. Bauer's aim is more far-reaching. His purpose is to analyze the present dissatisfaction with regulation and to suggest means for reestablishing regulation in public confidence and for making it a more constructive instrument in safeguarding the reasonable rights of investors and consumers. This purpose and the author's rather argumentative method of treatment somewhat detract from the usefulness of the book as a text for students of public utilities, but it should nevertheless take high place on a list of collateral reading, and at any rate deserves careful consideration by legislators, administrative officials and the general public.

In Dr. Bauer's opinion a futile controversy over valuation for rate-making purposes has diverted regulatory bodies from their proper functions of coöperating with utility managements to improve service to consumers and to promote financial stability for investors. The hope of effective regulation lies in substituting coöperation for conflict. The only way of doing this, Dr. Bauer believes, is to establish once and for all a clear and definite standard of valuation which will make rate-fixing "practically automatic."

The greater part of the book is devoted to a justification of the investment cost theory of valuation, judged by the standards of definiteness and certainty as well as of justice to investors and consumers alike. The opposing reproduction cost theories complicate rate-making because they necessitate constant readjustments for changes in the price level. To eliminate this uncertainty Dr. Bauer urges the legislature to lay down the principle that rate bases should be the actual investment of capital in the public service, less depreciation as it occurs. With a prescribed depreciation policy, with a single rate of return (determined according to

cost of obtaining needed capital), with exact accounting control, and with strict adherence to the investment cost principle, rates based on the net cost of the properties devoted to the public service would be easily, almost automatically, determined.

Readers are likely to get the impression that Dr. Bauer leans too far forward in his zeal for the investment theory. This is perhaps natural in a book written from the "firing line," as the author states in his preface. Nevertheless one may reasonably object to the apparent underemphasis which Dr. Bauer gives to the Supreme Court's recognition of reproduction cost elements in valuation cases. Eminent justices of state supreme courts have construed federal decisions as giving more weight to reproduction costs than the author is disposed to allow (see 194 N. W. 846).

In the chapter on "Investment, Reproduction Cost, and Changing Price Level" Dr. Bauer reaches the heart of the valuation controversy. His appreciation of the fundamental conflict between investor and consumer interests is excellent, but he seems to underestimate the difficulties of applying strictly the "cost" standard in appraisals of existing properties. Dr. Bauer proposes an adjustment of the stockholders' equities for changes in the purchasing power of money. But what of the creditors who have loaned capital in good faith in a low-interest period only to find the income from their loans depreciate in purchasing power when prices rise? The fact that most public utility investors contract for a limited return should not, it would seem, justify an adjustment of the valuation of existing properties in one case and not in the other.

In the very clear chapter on "Depreciation" the author gives the impression of being unnecessarily severe in his judgment of the renewal policy as opposed to a depreciation policy in the case of old and large utilities. Again in the succeeding chapter on "Special Items in Valuation" Dr. Bauer stands strongly against including accrued deficiencies in the rate base, as is the Wisconsin practice. He objects on the ground that these deficits may be due to incalculable factors of mismanagement or financial manipulation. But this objection loses some of its force when the certificate of convenience and necessity is fully and adequately used.

But these admittedly controversial points do not depreciate the value of the book. The reviewer finds himself in general agreement with the trend of Dr. Bauer's thought, recognizing, however, that many difficul-

ties remain to be solved. Finally, it is a book worth reading carefully not only for the subject matter but for the clarity of style in presenting a complex subject.

E. W. MOREHOUSE.

*Northwestern University.*

*The Government of Cincinnati and Hamilton County. A Report to the Republican Executive and Advisory Committee of Hamilton County by the City Survey Committee.* Edited by LENT D. UPSON. (Cincinnati: City Survey Committee. 1924. Pp. 535.)

This volume does not derive its unusual significance entirely from the excellent reports which picture the ineffectiveness of the governments of the City of Cincinnati and the County of Hamilton, Ohio, as of the year 1924. It merits a conspicuous place rather because it constitutes the first serious and unbiased attempt of a powerful, local, political party to account for the failures of the very forms and policies of city and county administration for which the party itself, by reason of long dominance, frankly assumed a large measure of responsibility. Herein is testimony, read in between the lines, that the local republican leaders had the political courage, which was a form of social as well as party wisdom, to analyze the existing situation incisively and to recommend to the citizens a right-about-face through the adoption of more suitable forms of government and methods of operation.

"Intelligent foresight," wrote Dr. Lent D. Upson, director of the survey, who with eighteen associates was responsible to the Republican committee for the staff work, "is admittedly an obligation of the political party in power." The truth in this statement has long been known, but no other local political party in this country has ever given it the practical application demonstrated by the Republicans in modern Cincinnati. As a result the survey may be considered the first visible process in the making of a broom which within six months swept away the form of government so severely criticised and cleared the way for the adoption of the new city manager charter which goes into operation in Cincinnati on January 1, 1926. If only other powerful political organizations holding the reins over important municipal government areas would be as frank and constructive in their methods, the curse caused by the selfish intrusion of party politics into local administration could be transferred into a blessing. Politics and administration might even adjust themselves to a legitimate and workable relationship.

But this is aside from the actual report which contains the letters of authorization, the statement of the survey committee, the summary of committee and staff conclusions, and fifty-two separate staff reports prepared by the carefully selected specialists, all of whom lived elsewhere than in Cincinnati. These staff reports analyze minutely the activities and organization of the city and county departments, covering the problems of municipal finance, safety, welfare, courts, public works, health, water, planning, schools, and elections. There is also a report upon city-county consolidation and another upon citizen influence on government. Conveniently and uniquely for publications of this character, there is a statement giving a summary of the tables and a reasonably detailed index. In respect to the actual contents the volume may be considered the latest and the best in the series of surveys of local governments made by the leading bureaus of municipal research during the last fifteen years.

MORRIS B. LAMBIE.

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#### BRIEFER NOTICES

Sir Josiah Stamp's *Studies in Current Problems in Finance and Government* (P. S. King and Son, London: pp. vii, 342) contains two studies which are of especial interest to students of public administration. In the chapter on "Recent Tendencies Towards the Devolution of Legislative Functions to the Administration," the author explains, with numerous examples, how Parliament has found it necessary to delegate more and more power to local officials and to departments of the national government. He is of the opinion "that delegation of authority must continue, and can continue with advantage" and that the only remaining problem is one of "safeguard—measures to ensure that the actual original intention of the legislating authority shall be continuously carried out." The safeguards which Sir Josiah Stamp recommends are those advanced by Dr. Cecil Carr in his book on *Delegated Legislation* such as delegation only to a trustworthy authority which commands national confidence; precise definition of the limits within which delegated power is to be exercised; the necessity of interested and technical advice; public notice and proper machinery for revocation or amendment of administrative action. The second topic of interest to students of government is a rather stimulating chapter on "The Contrast Between the Administration of Business and Public Affairs." The author

says that the administration of public affairs and the civil servant's job are different from private administration and the work of the business man, first, because of the principle of consistency which requires the government to administer an act of the legislature uniformly over all classes, areas and periods of time, while a private business can vary its treatment of different individuals, classes and areas. Second, except for a few large businesses such as railroads, the magnitude of the problem sets public administration off from private business. Third, public administration is subject to a larger amount of outside budgetary or treasury control. Fourth, the economic principle of "marginal return" is absent in government and finally there is the element of political control or "parliamentary responsibility" in government.

Professor Herman G. James, who has spent much time in South America and is the author of several books on the republics to the south of the United States, has written a thorough and systematic account of *Brazil After a Century of Independence* (Macmillan, pp. xii, 587). The first five chapters contain a historical survey of the country down to the present time. Then follows a chapter on the governmental system which, together with two later chapters devoted to the individual states, is naturally of greatest interest to the student of government. Of especial interest is the account of the federal powers of "intervention" and the declaration of "a state of siege" which have been used to increase the powers of the central government. Although it is the general opinion that the "state of siege" was a governmental device adopted from continental European countries, the author points out that it was the belief of some of the framers of the Brazilian constitution that the incorporation of this power was merely a reproduction of the provision in the United States Constitution regarding the suspension of the writ of *habeas corpus*. "Whatever the theory as to the relation between the Brazilian state of siege and the suspension of the writ of *habeas corpus* in the United States may be, in practice they are quite distinct," writes Professor James. "While there has not been evidenced the same tendency to excessive exercise of these powers in Brazil that has been manifested in the neighborhood federation of the Argentine, . . . it is evident that they do give the federal government an actual superiority which in the United States of America has remained a purely theoretical or potential one." The remainder of the book deals with the natural resources, population, agriculture, industries, transportation and commerce of the country.



*The Essential American Tradition* by Jesse Lee Bennett (George H. Doran Company, pp. xiv, 348) is a compilation or "anthology of striking and significant passages from our national documents, state papers, and the writings and speeches of American statesmen and leaders from 1619 to 1924." To these the author has added an introduction of some hundred pages explaining and interpreting what he regards as the "essential American tradition." This tradition is not, as one might expect, some fixed idea, institution or formula, but rather "a continuing aspiration to forge consciously, deliberately forward in the vanguard of human progress; to resist the congealing of customs; to make, continuously, the inevitable new adaptations of life rendered essential by changing conditions; to secure. . . . the greatest possible freedom of the individual from all irresponsible authority; to maintain the greatest possible adaptability of the organs of government to serve this end and to give to the common will of the people composing the nation the most effective possible expression." The remainder of the book, covering about 250 pages, is made up of extracts from documents, writings, and speeches to support this conception of the "American tradition." The selections are taken from such documents as the Mayflower Compact, the Declaration of Independence, state constitutions, and from the speeches and writings of leading Americans such as Washington, Jefferson, Hamilton, Franklin, Madison, Webster, Clay, Lincoln, Cleveland, Roosevelt, Wilson and many others less well-known. The selections are grouped under the headings of "The Individual," "The Rights of Man," "The Social Compact," "Liberalism," "The Background of the Revolution and Some of Its Ideas," "Contemporary Opinions of the Constitution," "Distrust of Government," "Class Differences," and "Patriotism."

Major-General Sir Frederick Maurice, Chief of Operations on the British General Staff during the World War, has written a remarkable account of *Robert E. Lee, The Soldier* (Houghton Mifflin Company, pp. vii, 313) which will be of lasting value. Without overlooking his shortcomings the author regards Lee as a greater general than Wellington. "Taking all the circumstances into consideration," writes General Maurice, "and after making every allowance for the special advantages which Lee possessed (such as fighting in his own country, etc.), I can find in Wellington's campaign no such brilliant example of imaginative strategy, no such bold acceptance of risks, after mature and careful calculation, as brought Jackson to the Peninsula to fight McClellan and kept McDowell defending Washington. . . . At Salamanca,

Wellington opposed 44,000 men to Marmont's 47,000; at Chancellorsville, Lee overthrew Hooker's 130,000 men with less than half that number." "In yet another quality Lee was . . . the superior of Wellington. Wellington was never loved by his troops as the soldiers of the South loved Lee." In one quality of generalship, however, Wellington is regarded as unquestionably Lee's superior, "Wellington would never have permitted a Longstreet twice to thwart his plans, and as the director of an army in battle, he displayed a firmness in which Lee was lacking." The book is written in a clear and vigorous style and the technical details have been handled in such a manner that the narrative of military events is not tiresome to the lay reader.

The Hon. Mrs. E. Stuart Wortley has edited the correspondence of Lord Bute, Prime Minister for a short time under George III, and his son, Sir Charles Stuart, who was an officer with the British forces in America from 1775-1780. These letters which have been buried away for a century and a half at High Cliff Castle in England, are now given to the public for the first time by Mrs. Wortley under the title *A Prime Minister and His Son* (E.P. Dutton & Company, pp. ix, 357). While the bulk of the volume is made up of correspondence between the father and son, there are a number of letters between Lord Bute and Sir Charles Stuart and such notable persons as Horace Walpole, William Pitt and Sir John Moore. The letters in this volume, especially those of Sir Charles Stuart, throw much light on the conduct of the war for independence in America and upon social and political conditions in England and Europe during the period covered, which is roughly from 1760 to 1801. The letters make interesting reading and are a worth while contribution to English and American history.

*Social Organization* (pp. x, 226), by W. H. R. Rivers, *A Thousand Years of the Tartars* (pp. xii, 288), by E. H. Parker, and *The Earth Before History* (pp. xxiv, 245), by Edmond Perrier, are the first volumes to appear in the elaborate series announced as "The History of Civilization." The editor of the series is C. H. Ogden of Magdalene College, Cambridge, and the publisher in this country is Alfred A. Knopf. Many of the volumes announced are to be translations of the parallel French series called "L'Evolution de l'Humanité," but the English series includes also a large number of independent works. The first two volumes above-mentioned are such independent works—the latter volume is a translation of the first book of the new French work. Students of

political science will be especially interested in *Social Organization* by the late Professor Rivers. It is a series of lectures published posthumously and presents in brief and orderly form a summary of recent knowledge concerning early societies. The controversial theories with which Professor Rivers was associated in the last years of his life make their appearance only in the appendix, and seem to be due to the editor, W. J. Perry. The body of the book, because of its brevity, should afford a convenient manual of reference for students who desire to know something of the bearing of primitive organization on political development. *The Earth Before History* is an authoritative statement of the best scholarly opinion of today relative to the formation of the earth, the primitive forms of life, and the origin of man.

Three years after its initial appearance the writers offer a revised edition of the *Introduction to American Government* by F. A. Ogg and P. O. Ray (Century, pp. 875) with a view to bringing its contents up to date and otherwise increasing its usefulness. The most important changes are to be found in Part III, dealing with the national government. The chapter on the national judiciary is placed so as to precede, rather than follow, the discussion of congressional powers; the treatment of the national administrative system has been considerably augmented; a new chapter on the expansion of national activities has been added; and more adequate attention is given to such important problems as the reclassification and organization of public employees, administrative reorganization, unified judicial administration and judicial review, tariff revision, regulation of immigration, operation of the budget system, and nonvoting. The material in Parts I and II has been condensed and rearranged in some instances, while that in Parts IV and V has been supplemented by a number of helpful charts and diagrams and by placing added emphasis upon such problems as legislative leadership and procedure, state administrative reorganization, judicial unification and the direct primary. The reference lists at the close of each chapter have been revised and enlarged.

An important deficiency in the mechanics of teaching American government to college undergraduates has been met by Dr. Rodney L. Mott's excellent compilation of *Materials Illustrative of American Government* (The Century Company, pp. xi, 397). Teachers of the large introductory courses have been especially handicapped by the lack of source material in convenient form and sufficient in quantity

to meet their needs. Dr. Mott's book fills this gap. It is impossible to describe adequately the contents of the volume in a short note, but the following are typical and also indicative of the wide range of material included. In Parts I and II on "The Foundations of Government in the United States" and "The National Government," to which are devoted 206 pages, are found, for example, the most important parts of *Marbury v. Madison*; the text of the more important proposed amendments to the Federal Constitution now pending before Congress; the President's calendar on a certain day; the text of a commercial treaty with Japan; a presidential veto message; a civil service examination; an opinion of the attorney-general; extracts from the rules of the national House of Representatives; the decisions of the Supreme Court in the two recent child-labor cases and in the Wisconsin Rate Case; addresses of the President and the director of the budget on the budget, etc. In Part III, on "State and Local Government" (154 pp.) are included such material as the act calling the Massachusetts Constitutional Convention of 1917-18; the provisions of the Cleveland Charter on proportional representation; rules of the Massachusetts House of Representatives; extracts from the Illinois administrative code; forms of judicial documents such as a subpoena, writ of habeas corpus, and indictment; sample ballots and a city manager charter. The author has written a brief introduction to each selection in order to furnish a background for the student and there is a useful appendix of twenty pages containing lists of supplementary material in pamphlet form which may be obtained from the national and state governments and "finding lists" for current documentary and other pamphlet material.

*Economic Liberalism* (Abingdon Press, pp. 197) contains the lectures given by Jacob H. Hollander on the Bennett Foundation at Wesleyan University. In his introductory chapter Professor Hollander regards liberalism as a habit of mind rather than a formal creed which wages its hardest struggle in economic and social matters, and points out that "liberalism in its economic phase involves an extension of the principle of democracy from political to economic and social affairs." The author explains that liberalism has until recently been of little force as a basis for political alignment in the United States because the divergences of political opinion, reflected in our party divisions, have been determined chiefly by sectional interest. "In our own day," he writes, "economic growth is merging the old boundaries, and national consciousness replacing sectional tradition." With the growth of this

tendency the author believes that there will be a new alignment of the American people as to economic and social issues similar to that in other countries resulting finally in a cleavage between liberalism and conservatism. With this introduction the bulk of the book is devoted to a discussion of the principles of liberalism as applied to four outstanding issues of an economic nature before the people of the United States: (1) the price level; (2) taxation; (3) trade unionism, and (4) social reform. The book is written in an interesting style and with keen insight.

*The Agrarian Movement in North Dakota* (Johns Hopkins University Studies in Historical and Political Science, Series XLIII, no. 1, 1925, pp. vii, 183) by Paul R. Fossum, contains data and conclusions of interest and value to students of political science. After tracing the origin and history of the agrarian movement in North Dakota which culminated in the Non Partisan League, the author concludes that the League failed to carry out its program primarily because the movement was political and was, therefore, forced to draw its appointees from those who possessed political influence rather than ability. Secondly, the League was forced to appeal to class prejudices in order to stir up interest in its program. "Finally the League failed, because it sought to make of a state government, whose functioning depends entirely upon the existence of at least two sometimes diametrically opposed parties, a business machine whose success depends upon the unanimous confidence of its company in the ability of the directing officers." Mr. Fossum is of the opinion, however, that in its failure the League has accomplished a great good to the agrarian movement by proving beyond question that state ownership cannot exist in competition with privately owned and efficiently conducted organizations because of the great temptation it affords to favor political factions. Because of this lesson he believes that the coöperative movement will no longer be hampered by state ownership in working out a solution of the marketing problems of the American Farmer.

*Social Cleavages in Texas* by Weston J. McConnell (Columbia University Studies in History, Economics and Public Law, Vol. CXIC, no 2, pp. 196), as described in the subtitle, is an interesting study of the proposed division of that state into two or more separate commonwealths. The author describes the movement for division which has been recurring frequently and with considerable force since 1850 and the

social, economic and political causes which lie behind this movement. He notes that if Texas were "disposed to form, out of its limits, from two to five states, it has a specifically reserved right to take such action, in accordance with the terms of her admission as a state of the American Union." Dr. McConnell points out that the division of Texas is not merely of local interest, because the creation of new states would affect the country as a whole through the sending of additional Senators to Washington and thus upsetting the balance of power which, in his opinion, "would, with high probability, be restored forthwith by granting statehood to those who seek it in other sections. The East, with its desire for municipal states, would tend to offset the states created in the West, and would, in so doing, form a hitherto unrecognized cleavage."

*The European Powers and the Near East, 1875-1908*, by Mason Whitling Tyler (University of Minnesota Press, pp. viii, 234), is a careful, yet eminently readable study which is a credit to the University whose impress it bears, and a worthy monument to the scholar whose early death left the last few pages to be put into final form by his friends and colleagues. The conflicting interests which embittered thirty-three years of Near Eastern history are examined and discussed in a spirit of judicial fairness. Extreme objectivity is combined with lucidity of statement, and the serious tone is relieved by occasional touches of quiet humor, as in the description of Lord Derby, who, in 1875, "took his seat among the ruins of the settlement of 1856, and obstinately pronounced them habitable." Dr. Tyler did not believe that he was pronouncing a final judgment upon all controversial points; he frequently acknowledged the present insufficiency of the available evidence. Recognition of the value of the work as it stands carries with it a regret that the author was not able to bring the story down to the point where he had originally fixed as his goal, the outbreak of the World War.

Ivanoe Bonomi, who was the Italian prime minister from January, 1921, to February, 1922, has written an interesting book *From Socialism to Fascism: A Study of Contemporary Italy* (Martin Hopkinson & Company, London; pp. xiii, 147), which has been translated into English by John Murray. One would hardly expect the author, who was expelled from the Socialist party in 1912 upon the motion of Mussolini and who went into opposition when Mussolini seized power, to be favorably disposed toward his opponent or the movement of which he is the

leader. Despite these facts the book is written with an air of impartiality and fair-mindedness, and the author is of the opinion that Fascism saved Italy from Bolshevism and the radical socialists in the period of reaction following the war. On the other hand, the author points out that the conception upon which Fascism is based, "of the State above classes and parties, and expressed itself through a king, a soldier or a dictator, who ruled by divine right or in the sacred name of the fatherland or the nation is ended in all nations." To him Fascism appears, therefore, "as the transitory result of special causes" and is regarded as an "interlude rather than a stage in history." Anyone desiring a picture of recent conditions in Italy, less colored by bias than the average, should not overlook this book.

Pitirim A. Sorokin was, until expelled from Russia, professor of sociology at Petrograd; since when he has been in this and other countries writing about the events in his own land. He is particularly qualified by training and experience to write of *The Sociology of Revolution* (Lippincott, pp. xii, 428). His book is based on first-hand observation and a vast amount of research in the literature of revolution. The study is primarily psychological in approach and is a welcome modernization of LeBon's earlier work. While Professor Sorokin keeps to the psychological and sociological interpretation of revolution, he makes definite and valuable contributions to the understanding of the effects of revolutionary conditions upon large masses of people. And he has maintained more than ordinary restraint in analyzing conditions and events in Russia which touched him directly and adversely. But his book lacks an element of completeness by relegating "the causes of revolution" to a final chapter of less than fifty pages. And few historians would perhaps agree with him that "contemporaries are the better observers and judges of historical events." His entirely uncritical use of "Bolshevist figures," because of their tendency to depict "the situation rather better than it is in reality," is sometimes confusing.

*Elizabethan Episcopal Administration: An Essay in Sociology and Politics*, by W. P. M. Kennedy (A. R. Mowbray & Co. Three vols., i-cxxlix, 1-135, 136-351), is an essay and a collection of documents. The documents, which cover the years 1575 to 1603, are a continuation of those in *Visitation Articles and Injunctions of the Period of the Reformation*, edited by Walter Howard Frere assisted by William McClure Kennedy (Longmans, 1910). The essay is a lengthy commentary on the

documents in the two collections, in the form of a comprehensive and detailed study of Elizabeth's ecclesiastical administration. Yet, although the author discusses ecclesiastical administration, his essay is not without value for students of civil administration. For in the sixteenth century the church controlled many fields of activity now considered secular. And Elizabethan administrative methods were the same in both church and state. The reliance of the Elizabethan system on public opinion is incidentally brought out, as in the discussion of the Royal Visitation of 1559 which was preliminary to the enforcement of the acts of supremacy and uniformity. Another of the incidental contents of the essay is a chapter and a half of generalizations upon the Elizabethan problem of government and Tudor political theory, brilliantly written if not new in substance.

Professor Dudley J. Medley of the University of Glasgow has revised his well-known and authoritative *Students' Manual of English Constitutional History* (Macmillan, pp. 688. Sixth edition). Certain portions, such as the section on the King's prerogative, the history of the King's Council, the Privy Council and the Cabinet, have been entirely rewritten in the light of recent studies, new illustrations and bibliographical material have been added, and details changed to bring the work down to date. One looks in vain, however, for comments on such subjects as the Defence of the Realm Act, and a discussion of the relations between the mother country and the dominions. The author recognizes this latter omission, and explains it on the ground that the subject deserves a special treatise rather than a few pages at the end of an already lengthy volume.

Students of comparative government should welcome the publication of two lectures on *Recent Constitutional Developments in Egypt* (Cambridge University Press, pp. 49), by Sir William Hayter, late legal adviser to the Egyptian government, prepared shortly before his death in 1924. The author is hopeful for the future of Egypt. "The people are no longer what they were ten, or even five, years ago," he writes. "Egypt is no longer the country of opera-bouffe but must be taken seriously. . . . What the country requires is steady government on moderate and conservative lines to consolidate the position already won, and to establish in the eyes of the world that Egypt is fit to take her place in the community of independent nations." The two thorny questions now are, first, the maintenance of a British army in Egypt,



which Sir William believed should be ultimately withdrawn as means are found which will render unnecessary a continued British military occupation; and secondly, relations with the Sudan.

*Opium as an International Problem; The Geneva Conference*, by W. W. Willoughby (Johns Hopkins Press, pp. xvi, 585) enjoys the advantage of being written by one who, as counsellor to the Chinese Delegation, was in a position to observe the Opium Conferences recently held at Geneva from the inside, and who has ample access to documentary materials for reproduction in the text. It enjoys the advantage which any volume coming from the pen of its distinguished author would enjoy, namely, that of orderly arrangement, clear exposition, detailed treatment, and well-focussed interpretation. One may, however, inquire whether the Chino-American or anti-British view of the opium problem and the proceedings at Geneva is very profitable. Granted that it is justified by the British attitude and American and Chinese needs and ideals. The point is not to reveal who is right or wrong, righteous or wicked. The point is to get results. And no results can be had by jumping on Lord Robert Cecil for what was at worst a diplomatic blunder, or by refusing to play unless we can also umpire the game. As long as the present dogmatic attitude of the American Government is maintained, our influence on any international business we touch can hardly be helpful.

P. B. P.

At a time when more and more attention is being paid to the relations between China and other nations it is of more than passing significance that there should appear a complete and scholarly source book dealing with China's foreign relations. Dr. Harley F. MacNair of St. John's University, Shanghai, has given us such a volume in *Modern Chinese History: Selected Readings* (Commercial Press, Shanghai, pp. xxxvii, 910). The work is modelled after Robinson and Beard's *Readings in Modern European History* and contains some 477 extracts from various sources chosen to illustrate the chief phases of China's international relations from 1842 to the present time. The author has added numerous comments which explain the text in a clear and concise manner and which serve to weave the scattered documents into a connected story.

The Macmillan Company has published *A Political and Social History of the United States* in two volumes which students of government will find extremely helpful and interesting because of the informa-

tion which it contains especially in regard to recent history, the point of view of its authors and the emphasis on political events and movements. The first volume (pp. xiii, 438) covering the period from 1492 to 1828 is by Professor Homer C. Hockett of Ohio State University, and the second volume (pp. xvii, 576) surveying the century from 1829 to 1925 is by Professor Arthur M. Schlesinger of Harvard University. Professor Hockett has given a very readable account of such matters as the formation of the national government, the rise of nationalism, the origin and early history of parties and sectionalism. Professor Schlesinger has been guided in the choice of his material by certain definite aims. In the first place, he emphasizes the fact that the American population has differed from the people of modern European countries because of its economic independence and also because of the "recurrent tides of immigration." Secondly, he lays stress on certain "great dynamic currents which have shaped the nation's life" and are still of great importance. These are "(1) the growth of nationality; (2) the struggle for greater democracy; (3) changes in the methods of production and distribution; (4) the constant striving for social amelioration, including the contest for free public schools, improvement in the lot of women and children, and the successive movements for humanitarian reform; and (5) the expansion of national boundaries." About one-fifth of Professor Schlesinger's volume covers the years since 1900.

Among the recent theses presented for the doctor's degree at the University of Pennsylvania, is *The Origin of the State: Reconsidered in the Light of the Data of Aboriginal North America* by William Christie MacLeod (pp. 109). This is a suggestive study of the conquest and the so-called "psychological" theories as to the origin of the state, using the North American Indian tribes as a basis for investigation. The author rejects the conquest and diffusion theory and concludes that social stratification which precedes the establishment of the state is a socio-psychological process, whose development is "independent of any necessary correlation with economic evolution and independent of the diffusion of cultural forms. Aristocracies find the starting point of their evolution in the establishment of the office of chief by enterprising individuals; this office becomes hereditary in the chief's family, and generally chief's families tend to intermarry and perpetuate within a narrow circle the prerogative of government. The segregation . . . of an autocracy means the complementary segregation of the masses as a class of commoners; the tendency of the aristocracy to

become a closed caste further segregates rising commoners as a bourgeoisie." Conquest followed by subordination of the conquered, in the opinion of the author, is not a cause but rather a consequent of "the evolution of social stratification."

Among recent publications in the Columbia University Studies in History, Economics and Public Law are *Tory Democracy* by William J. Wilkinson (pp. 315) and *Protective Labor Legislation* by Elizabeth Faulkner Baker (pp. 467). The former is an account of the Tory measures which have "promoted the happiness and welfare of the common people," and of the leaders of this movement within the party from Disraeli to Lord Robert Cecil. The author concludes that "The best traditions of the Toryism of both Disraeli and Lord Randolph Churchill have been sustained and brought to a more complete fulfillment in the person of Lord Robert Cecil, who has identified himself, not only with those forces which seek 'to improve the condition of the people' of his own country, but which are also striving to inaugurate a new and enlightened international order." The latter study is a survey of labor legislation with special reference to women in the state of New York. Particular emphasis is given in this work to the influences which have brought about labor legislation, the machinery for the enforcement of labor laws, and important court decisions.

The promise of further professionally and historically valuable information as to the part played by sea power during the World War, implied throughout the first volume of Captain Frothingham's work on the *Naval History of the World War* has now been amply fulfilled. The second volume (Harvard University Press, pp. 342) recently published, is a fitting suite to the first which dealt with the "Offensive Operations of 1914-15." In this second volume, devoted to the *Stress of Sea Power in 1915-16*, may be found much that will be of interest to readers who are seeking enlightenment on the battle of Jutland, and on the rôle played by submarines before, during, and after that memorable naval engagement. The causes and results of the failure of the British Grand Fleet to destroy the less powerful German High Seas Fleet, May 31, 1916, are well and clearly set forth, as is also the effect of this on Germany's ensuing submarine policy. Concerning this engagement and various other naval situations including the failure of the Entente Allies to force the Dardanelles, the author often, and quite properly, brushes aside all speculations as to "what might have been." He

presents the facts he has gathered from many authentic sources and lets them speak for themselves.<sup>1</sup>

*The Naval Side of British History* by Geoffrey Callender (Cristophers, London; pp. ix, 305) is a narrative the confessed aim of which is to offer to naval actions that approbation and gratitude the absence of which, besides making "the modesty of the sailor not merely proverbial but immaculate," has tended to cause British supremacy at sea to be accepted too complacently. And in this survey of more than four centuries of history, where occasionally magnificent generalizations or untempered enthusiasm for British achievements show themselves, this declared intention must be remembered. The few pages devoted to events since 1914 are essentially in the nature of a graphic picture of some outstanding features.

Those who have taught municipal government will perhaps agree that there is a scarcity of worthwhile books describing political conditions in our larger cities. *Travelling on the Democratic Donkey* by Clement G. Lanni (Rochester Alliance Press, pp. x, 220) would not appear from its title to be of any material assistance in this respect, but one does not have to read far to find that this book contains a most illuminating and colorful description of the system of patronage, bossism and the inner workings of local party machines. Mr. Lanni was for many years a newspaper man in Rochester and at times a candidate for public office. His book is largely an account of the unsuccessful struggles of the Democratic organization to break the hold of the Republican machine in Rochester, N. Y., which is a "rockribbed" Republican city and county. After two hundred pages of interesting narrative, Mr. Lanni concludes with a plea of "let us forget our politics" and a word in favor of the city-manager plan. "National parties should exist," he says, "without the help of local patronage. If a national party cannot exist . . . without the help of local patronage, then it should cease to be a party."

*Social Psychology* by Knight Dunlap (Williams & Wilkins Company, pp. 261) is a clear, readable and scholarly presentation of a subject which is attracting an increasing amount of attention. The chapters which are most useful to political scientists are those on "Civic and Mar-

<sup>1</sup>By Captain Elliot Snow, U. S. N.

tial Organization," "Conditions of Social Progress," "The Principles of Social Organization," and "Propaganda." The author has not attempted to develop his subject on the basis of a single doctrine which he wishes to "put over" such as "imitation" or the "group mind," but rather it is his aim to present general principles and concrete facts of organization so as to give the reader a broad view of the subject. His method of presentation also ties up the purely psychological data with other fields of knowledge such as biology, anthropology and philosophy. These features, together with its readableness and vigorous style, constitute the special merits of the book.

A second edition of the fourth volume of Léon Duguit's *Traité de Droit Constitutionnel* (De Boccard, Paris; pp. 937) has been published. This volume deals with the political organization of France and the revision is in the form of notes appended to the original text. These additions explain the legislation of 1924 as it affects the government of France, and also describe proposed changes in fundamental laws. Among the latter is the proposal of legislation for return to the method of *scrutin d'arrondissement* recommended by the council of ministers because of general dissatisfaction with the results of the election of May 11, 1924.

The recently published volume of *Essays in the Law* by Sir Frederick Pollock (Macmillan, pp. xii, 303) makes available the distinguished author's two well-known essays on the law of nature, which are almost indispensable to an elementary knowledge of the subject, but which have hitherto been buried in the files of the *Journal of the Society of Comparative Legislation*. Of special interest to students of politics are also the essays on Locke's theory of the state and on Government by committees in England. The remainder of the essays are of legal rather than political importance and are addressed to questions of private law. While practically all have appeared in technical journals or the proceedings of learned societies, a publication which adds currency to Sir Frederick's writings is of itself a welcome contribution to the social sciences.

*Human Conduct and the Law* by Mary C. Love (George Banta Publishing Company, pp. xi, 318) includes in Part I (102 pages) a discussion of the important facts of human conduct such as locomotion, fear, acquisitiveness, self-expression, sex, gregariousness, and protective

instinct, both in terms of law and in terms of psychology; and in Part II (200 pages) a number of selected cases from the decisions of American courts touching on these subjects. The author accepts the view that the "whole subject-matter of law is human conduct. It deals with what men want in relation to other individuals, to things, and to land, and the mechanisms men use in satisfying their wants." The selected cases show human beings in their efforts to break through the agreed rules of society to the things they want, and the rules of law applied or established by the courts in dealing with such attempts at breaches of the law.

McKechnie, McIlwain, and Adams are among the pathfinders whom Dr. Faith Thompson has followed in *The First Century of Magna Carta: Why it Persisted as a Document* (Research Publications of the University of Minnesota, pp. x, 123). Assuming in general the correctness of their conclusions as to the origin, nature, and meaning of the Magna Carta, she has given us what can be learned from printed sources about the history of the charter during the reigns of Henry III and Edward I. The result is an interesting and useful essay. Dr. Thompson emphasizes especially the practical usefulness of the charter in its first century, its value in constitutional development, and its importance for the church. She discusses also the Forest Charter.

The Oxford University Press has just published *The Permanent Court of International Justice: Its Constitution, Procedure and Work* (pp. vii, 342). The titles of the several chapters of this book—"Creation of the Court," "Organization of the Court," "Jurisdiction of the Court," "Procedure of the Court," "Work of the Court," and "The Court and the League"—give a good idea of the material which the author has attempted to include. He has pointed out the distinction between a court of arbitration and a court of justice. He prefers the term "voluntary jurisdiction" to "compulsory jurisdiction." He also shows that the advisory opinions have tended to be based on justice and law rather than on political expediency. In the consideration of the jurisdiction of the court the tendency to provide by special treaties for reference of cases to the court is noted. The development of the details of procedure is outlined and the work of the court, as shown in the opinions rendered, is also explained. Under the last chapter the sanctions are briefly mentioned. An appendix giving the

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essential documents and a good index cover the last hundred pages. The attempt of the author has not been to give an abstract discussion of the court and its work, but rather to present, in a simple and straightforward statement, its constitution, procedure, and work, and this he has done in a very helpful way at a time when many misleading pronouncements have been made by those furthering propaganda for or against the court itself. •

The first *Annual Report* of the Permanent Court of International Justice (Leyden: Sijthoff's Publishing Co. pp. 440) covers the period from January 1, 1922 to June 15, 1925. It includes chapters on the court and registry (with biographical notes on the judges), the statute and rules of the court, the court's jurisdiction, judgments, advisory opinions, administrative decisions, publications, finances, bibliography, and extracts from international agreements affecting the jurisdiction of the court.

*Europe Turns the Corner* by Stanley High (Abingdon Press, pp. 308) adds a note of optimism to the discussion of present-day affairs in Europe. It is the opinion of Mr. High that the events of 1924, such as the Dawes plan, the recognition of Russia by England, France and Japan, the rise of the British Labor Party in England, the proposal of the Geneva Protocol and the overturn of Poincaré in France, indicate that a considerable amount of constructive progress has been made since 1919. It is his opinion that "during no year since the war has Europe gone forward so rapidly toward settlement as during 1924." Although some of the policies introduced in 1924 have met with reverses the author feels that "there are many indications that the advance of that year marks the end of the first and the beginning of the second post-war period." —

*The Reawakening of the Orient and Other Addresses* is another Institute of Politics publication (Yale University Press, pp. 176). The addresses include: "The Reawakening of the Orient" and "The Great Indian Experiment," by Sir Valentine Chirol; "The Liberal Movement in Japan" and "The Origin and Growth of the Labor Movement in Japan," by Yusuke Tsumumi; and "The Economic Recovery in the World" and "Economic Conflicts as the Causes of War," by Sir James Arthur Salter. The first two sets of lectures give an interesting though not

exhaustive view of contemporary political and economic movements in the East. The lectures by Sir James Salter cover in the traditional way the malady of Europe, its cause and cure.

A *Statistical Review of Relief Operations* by the commission for relief in Belgium during the World War has been prepared by George I. Gay and published, with an introduction by Herbert Hoover, chairman of the commission. This gives an outline of the relief organization and a review of relief operations, in 81 pages, illustrated by diagrams, charts and maps; and 439 pages of detailed statistical tables, concerned mainly with commodity statistics as distinguished from financial accounting. It is a mine of information on the relief work, but confessedly is not a complete history of the commission and its activities.

*America and World Peace* (pp. 145) is the title of the Colver lectures, delivered at Brown University in 1925 by the Honorable John H. Clarke, a former Justice of the Supreme Court of the United States, and published by Henry Holt and Company. The distinguished advocate of peace affirms that the interest of the United States in world peace "is threefold,—moral, economic, and political." The first two phases of our interest can be demonstrated as facts. The political interest, according to his view, should follow and serve our moral and economic interests. In additional chapters the author sets forth in an illuminating manner the interest of the United States in the League of Nations, and the purpose and significance of the Geneva Protocol.

Henry B. Hazard and Margaret D. Moore have prepared a chart, *The Constitution at a Glance*, on which all of the provisions of the Constitution of the United States are analyzed and systematically arranged under appropriate headings on a single sheet of paper. Each of the five sections into which the provisions are grouped is printed in a different color and there are explanatory notes and references to some of the important court decisions.

*Financial Control in the States With Emphasis on Control by the Governor*, by Harry Aldin Barth (Westbrook Publishing Company, pp. 122), is a study of the methods of executive supervision over finance exercised in the various states through the classification of expenditures, the budget, and the auditing of accounts. The author also outlines a



proposed system for concentrating control over state finances under the chief executive.

A monograph on *The Custody of State Funds* (pp. 176), by Martin L. Faust, has been published by the National Institute of Public Administration. Part I is a general discussion of the subject, in five chapters; and Part II deals with the depository systems of Pennsylvania, Ohio and Illinois. In most of the states a veil of secrecy surrounds the administration of public deposits. The Ohio system of competitive bidding for the state deposits has succeeded in a marked degree in eliminating the personal equation in the distribution of funds. Appendices give a digest of state laws on the custody of funds, and statements, of state moneys lost or tied up in deposit banks and of interest received on state deposits.

Perhaps the most important problem in connection with the movement for good roads is that of finance. As a help in the solution of this problem the gasoline tax has been introduced in many states. *State Gasoline Taxes* by Edmund P. Learned (University of Kansas Humanistic Studies, Vol. III, no. 4, pp. 94) analyzes the main provisions in the laws of the various states, and discusses the methods and problems of administration. It is the author's conclusion that as a source of highway revenue the gasoline tax is a success, but that it has little value as a means of promoting conservation. The study closes with the draft of a model gasoline tax law.

*The Reorganization of State Administration in Texas* (University of Texas Bulletin, No. 2507, Feb. 15, 1925; pp. 129) by Frank M. Stewart not only describes the need for the reconstruction of state administrative organization in Texas, the movement for improvement already under way in that state, and a proposed scheme for Texas, but it also summarizes the general principles of administrative reorganization and the results in other states. There is a very useful bibliography of ten pages dealing with the subject in general.

*An Analysis of the Finances of the State of Indiana, 1913-1923* (pp. 237), by Charles Kettleborough, director of the Indiana legislative reference bureau, and Frederic H. Guild, now of the University of Kansas, has been published in the Indiana University Studies, No. 63. Fol-

lowing the analysis for each year is a series of comparative tables of receipts, disbursements, comparative cost of state departments, and comparative table of fees, for each of the eleven years.

A comprehensive survey of *County Government and Administration in Iowa* (pp. 716) has been published by the State Historical Society as volume IV of the Applied History Series, edited by Benjamin F. Shambaugh. There are eighteen chapters dealing with different phases of the subject, by eight writers. The work is based on a detailed study of the statutes, supplemented by judicial decisions, reports of state offices and other works. There is, however, little or no indication of any extended use of the reports of local officials, or of comparisons between the conduct of public affairs in different counties.

Teachers and students of state history and government would find their work made easier and more interesting if for each state in the Union there could be prepared such a thorough and accurate history as Theodore Calvin Pease's *The Story of Illinois* (A. C. McClurg & Company, pp. 394). The work is based largely on the five-volume *Centennial History of Illinois*, of which Professor Pease was one of the joint authors, and considerable attention in the later period is given to party politics and political development.

After a lapse of a half century there has been published for the first time *Lincoln's Last Speech in Springfield in the Campaign of 1858*, (University of Chicago Press, pp. 22). This short speech of about 400 words, delivered at the close of the campaign for election to the United States Senate, is regarded by Oliver R. Barrett, who writes the introduction, as marking "a turning point in Lincoln's career" because "in its brief paragraphs the last echo of Lincoln, the politician, is lost in the resonance of the clearer note of Lincoln, the statesman." In addition to the text of the speech and the introduction the booklet contains a facsimile reproduction of the speech in Lincoln's own handwriting, a newspaper account of the meeting, and a first-hand description by a citizen of Springfield who was present.

*Modern Immigration* by Annie M. MacLean (Lippincott, pp. xii, 393) is a view of the situation not only in the United States but also in other important immigrant-receiving countries such as Canada, Australasia, South Africa, Brazil, and Argentine. The author is a firm

believer in a wisely administered policy of restriction. "For practical reasons," she writes, "the great immigrant-receiving countries have found it necessary to decide what their dominant racial strain may be." An appendix of over 150 pages includes the text of important laws, rules and regulations governing immigration in the United States.

A study on *The Employment of Young Persons in the United States* (pp. 150) has been published by the National Industrial Conference Board. This deals with the factors, extent, character and effects of such employment, state regulation and the problem of federal regulation. The outstanding requirement today is held to be the securing of more comprehensive, detailed and up-to-date information concerning the situation under existing conditions and regulations.

In *Taxation and Welfare* (The Macmillan Company, pp. vii, 269), Professor Harvey Whitefield Peck makes an attempt at an impartial and scientific survey of the problem of American taxation, taking into account the opinions of authorities on public finance, and arguing that taxation must ever be judged in connection with projected public expenditures.

Prof. J. Russell Smith has produced a unique and delightful volume on *North America* (Harcourt, Brace and Company, pp. viii, 849). It is fundamentally a regional geography, but its author, convinced of the dominating influence of geography on economic and hence political institutions, has not allowed himself to be deterred by conventional pedagogical boundary lines from giving a thorough consideration to agricultural, industrial, and commercial matters, from divagating upon problems of government, administration, and international relations. The book is brilliantly written, completely avoiding that dry dullness which has been characteristic of so many economic geographies.

From the University of Chicago Press comes the first volume in English devoted to *The Social Theory of Georg Simmel* (pp. xxix, 297). Its author, Nicholas J. Spykman, believes that the methodology developed by the German relativistic philosopher is capable of revolutionizing the social sciences (above all, sociology) and of placing them on a truly scientific, as opposed to a metaphysical, basis. Simmel stressed the necessity of concentrating upon the timeless elements in society, those exhibiting "phenomenological relationships with sufficiently high degrees

of correlation to give a high probability of repetition," the unique elements he left to the historians, who were consequently disbarred from prophecy. The volume deals ably with fundamental matters.

*The Story of Human Progress* (Macmillan, pp. xvi, 548) by Leon C. Marshall, Professor of Political Economy of the University of Chicago, is a textbook for high school students which seeks to give the pupil a coherent view of the evolution of the society of which he is a part. Part iv deals with social control including such topics as custom, law, public opinion, and government. The book is written in an interesting fashion and is carefully illustrated.

A. G. Keller's volume, *Starting-Points in Social Science* (Ginn and Company, pp. v, 183) is a collection of essays which have been found useful, prior to general publication, in a freshman orientation course at Yale University. Human adjustment to environment is stressed, and from this point of view certain economic and political topics are discussed.

*Civic Sociology* by Professor Edward Alsworth Ross (World Book Company, pp. v, 365) is a high-school textbook in social and civic problems. Professor Ross's well-known views on such matters as the population problem, poverty and its relief, social conflicts, and freedom of speech are set forth in a form deemed suitable for the young, and with the usual pedagogical paraphernalia of "questions on the text," and so forth.

*The Basis of Racial Adjustment* (Ginn and Company, pp. viii, 258) is the result of an effort by Thomas Jackson Woofter, Jr., to give, in textbook form, the authentic facts concerning the different phases of negro life in the United States today. The book is informed and temperate.

The reissue of Robert S. Sutcliffe's *Impressions of the Average Jurymen* (Appleton, pp. 114), indicates a demand for these informal and often revealing snapshots of the run of the docket as an interested and experienced observer of the ways of judges, lawyers, witnesses, and jurors has caught the lights and shadows of jury service.

One of the most recent additions to the Home University Library Series published by Henry Holt and Company is *Egypt* by E. A. Wallis

Budge (pp. 256). The book deals entirely with the history and civilization of the ancient Egyptians.

A collection of excerpts from various magazines and newspapers at the time of the death of Woodrow Wilson has been compiled in a booklet *The Passing of Woodrow Wilson* by Eugene V. Webster (Brewster Publications).

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In *What I believe* (E. P. Dutton & Co., pp. vii, 87), Bertrand Russell tells what he thinks of man's place in the universe, and of his possibilities in the way of achieving, by love and by knowledge, the good life.

Mr. H. G. Wells has gathered together the fruits of his recent journalistic endeavors in *A Year of Prophesying* (The Macmillan Company, pp. x, 352). He begins, of course, with the League of Nations, and ends with "an outbreak of auto-obituary."

## RECENT PUBLICATIONS OF POLITICAL INTEREST

### BOOKS AND ARTICLES

CLARENCE A. BERDAHL

*University of Illinois*

#### AMERICAN GOVERNMENT AND PUBLIC LAW

##### *Books*

*Ackerman, Saul Benton.* Practice of workmen's compensation insurance. Pp. 203. N. Y.: Spectator Co.

*Babbitt, Byron Fenner.* Federal judicial code and equity rules. Pp. 463. Chicago: Callaghan & Co.

*Blum, Solomon.* Labor economics. Holt.

*Bowers, Claude G.* Jefferson and Hamilton. Houghton Mifflin.

*Butler, Nicholas Murray.* Les États-Unis d'Amérique. Leur origine. Leur développement. Leur unité. Pp. vi + 336. Paris: Alcan.

*Carver, Thomas N.* The present economic revolution in the United States. Boston: Little, Brown & Co.

Correspondence of John Adams and Thomas Jefferson, 1812-1826. Indianapolis: Bobbs-Merrill.

*Cushman, Robert E.* Leading constitutional decisions. Pp. vi + 288. N. Y. F. S. Crofts.

*Davis, John W., and others.* American citizenship. Pp. 96. N. Y. Crowell.

*Davis, Oscar King.* Released for publication. Houghton Mifflin.

*Dickson, Harris.* An old-fashioned senator. N. Y.: Frederick A. Stokes Co.

*Faust, Martin L.* The custody of state funds. Pp. 176. N. Y.: Natl. Institute of Pub. Admin.

*Fitzpatrick, John C., ed.* The diaries of George Washington. 4 vols. Houghton Mifflin.

*Freyd, Bernard.* Repeal of the direct primary. Pp. 65. Seattle: McKay Printing Co.

*Furniss, Edgar Stevenson, and Guild, Lawrence R.* Labor problems; a book of materials for their study. Pp. 631. Boston: Houghton Mifflin.

*Harding, W. P. G.* The formative period of the federal reserve system. Houghton Mifflin.

*Harlow, Ralph Volney.* The growth of the United States. Holt.

*Hirst, Francis W.* The life and letters of Thomas Jefferson. Macmillan.

*James, Henry.* Richard Olney and his public service. Houghton Mifflin.

*Koontz, Louis K.* The Virginia frontier, 1754-1763. Baltimore: Johns Hopkins Press.

- Krout, John A.* The origins of prohibition. N. Y.: Knopf.
- Lodge, Henry Cabot.* The senate and the league of nations. Scribner's.
- Meigs, William M.* The life of John Caldwell Calhoun. (New ed.) 2 vols. N. Y.: Stechert.
- Mitchell, Edward P.* Memoirs of an editor: fifty years of American journalism. Scribner's.
- Montgelas, Graf Albrecht.* Abraham Lincoln. Leipzig: Verlag Karl Konig.
- Mott, Rodney L.* Materials illustrative of American government. Pp. ix + 397. Century Co.
- Munro, William Bennett.* The invisible government of the United States. Macmillan.
- Osborn, Norris Galpin,* ed. History of Connecticut. 5 vols. N. Y.: States History Co.
- Owsley, Frank L.* State rights in the confederacy. Univ. of Chicago Press.
- Pollard, A. F.* Factors in American history. Pp. 327. Cambridge: Univ. Press.
- Pond, Oscar L.* A treatise on the law of public utilities, including motor vehicle transportation. (3rd ed. rev.) Pp. 1163. Indianapolis: Bobbs-Merrill.
- Smith, Theodore C.* The life and letters of James Abram Garfield. 2 vols. Yale Univ. Press.
- Sullivan, Mark.* A history of the United States in our own time: 1900-1925. Vol. I. Scribner's.
- Thorpe.* Federal departmental organization and practice. Northport (N. Y.): Edward Thompson Co.
- Wandell, Samuel H., and Minnigerode, Meade.* Aaron Burr. 2 vols. Putnam's.
- Warren, Charles.* Congress, the constitution and the supreme court. Boston: Little, Brown.
- Werner, M. R.* Brigham Young. Harcourt, Brace.
- Wherry, William M.* Public utilities and the law. Pp. 348. N. Y.: Writers Pub. Co.
- White, William Allen.* Calvin Coolidge: the man who is president. Macmillan.
- Willard, Margaret W.,* ed. Letters on the American revolution, 1774-1776. Pp. xix + 370. Houghton Mifflin.

#### Articles

- Administration.** Principles of administration. *Luther Gulick.* Nat. Mun. Rev. July, 1925.
- Admiralty Jurisdiction.** How the federal courts were given admiralty jurisdiction. *Harrington Putnam.* Cornell Law Quar. June, 1925.
- Americanization.** Through the mill of Americanization. *Stanislaw A. Gutowski.* Scribner's. July, 1925.
- Attorney General.** The department of justice. *Frank Buckley.* Boston Univ. Law Rev. June, 1925.
- Bryan.** Bryan as a political leader. *Geroge W. Norris.* Bryan—the great commoner. *Frank Parker Stockbridge.* Current Hist. Sept., 1925.

**California.** California's seventy-five years of statehood. *Rockwell D. Hunt.* Current Hist. Aug., 1925.

**Campaign Expenses.** Report of the Borah committee on campaign expenditures. *James K. Pollock, Jr.* Am. Pol. Sci. Rev. Aug., 1925.

**Church and State.** A monograph on religious freedom. *Benjamin G. Reeder.* W. Va. Law Quar. Apr., 1925.

———. Religious education at tax supported institutions. *James C. Baker.* Quar. Jour. Univ. N. D. Apr., 1925.

———. America and Roman catholicism. V. Light without heat. *William Franklin Sands.* VI. A symposium. Forum. July, Aug., 1925.

———. The state and religious teaching. *Henry Noble Sherwood.* Scribner's. Aug., 1925.

———. Is the United States sure of itself? *John Hunter Sedgwick.* N. Am. Rev. Sept.-Nov., 1925.

**Civil Service.** Merit systems of civil service. *Milton Conover.* Am. Pol. Sci. Rev. Aug., 1925.

**Congress.** President Coolidge and congress. *S. K. Ratcliffe.* Contemp. Rev. June, 1925.

———. Sectionalism in congress (1870-1890). *Hannah Grace Roach.* Am. Pol. Sci. Rev. Aug., 1925.

**Constitutional Law.** Judicial decisions on public law. *Robert E. Cushman.* Am. Pol. Sci. Rev. Aug., 1925.

———. Protecting property and liberty, 1922-1924. *Thomas Reed Powell.* Pol. Sci. Quar. Sept., 1925.

**Constitutional Principles.** The constitution of the United States. *Nicholas Murray Butler.* A republic, not a democracy. *Leslie M. Shaw.* Const. Rev. July, 1925.

———. Enemies of free government in America. *Thomas R. Marshall.* Boston Univ. Law. Rev. June, 1925.

———. What does the constitution mean to you? *John W. Davis.* Some constitutional problems. *Newton D. Baker.* Liberty and law. *Charles E. Hughes.* Am. Bar Assoc. Jour. July, Aug., Sept., 1925.

———. The new fight for old liberties. *Oswald Garrison Villard.* Harper's. Sept., 1925.

**Convict Labor.** Legal aspects of convict labor. *Arthur H. Schwartz.* Jour. Crim. Law and Crim. Aug., 1925.

**Coolidge.** President Coolidge's efficiency. *George W. Hinman, Jr.* Current Hist. Aug., 1925.

———. Boring from within. *George W. Norris.* Nation. Sept. 16, 1925.

**Education.** Can minds be closed by statute? *George F. Milton.* World's Work. July, 1925.

———. The legislature and the schools. *J. P. Chamberlain.* Am. Bar Assoc. Jour. Aug., 1925.

**Federal Relations.** State rights. *John Ely Briggs.* Ia. Law Bulletin. May, 1925.

———. Federal encroachments on state rights. *Horace J. Fenton.* State governors challenge federal encroachments. *Clyde A. Beals.* Current Hist. July, Aug., 1925.



**Free Speech.** Freedom of speech under our constitutions. *Abraham Pinsky*. W. Va. Law Quar. June, 1925.

**Government Liability.** Government liability in tort. *Edwin M. Borchard*. Am. Law Rev. July-Aug., 1925.

———. Governmental responsibility in tort—a proposed statutory reform. *Edwin M. Borchard*. Am. Bar Assoc. Jour. Aug., 1925.

**Governor.** The executive department of government as provided by the constitution of Iowa. *Carl H. Erbe*. Ia. Jour. Hist. and Pol. July, 1925.

———. The governors Ferguson of Texas. *French Strother*. World's Work. Sept., 1925.

**Immigration.** L'immigration aux États-Unis et le déclin de l'intelligence américaine. *Léon Bernstein*. La Grande Rev. July, 1925.

**Indian Policy.** The federal Indian policy in Texas, 1845-1860. *Lena Clara Koch*. Southwestern Hist. Quar. July, 1925.

**Industrial Court.** Just what has the supreme court done to the Kansas industrial act? *William L. Huggins*. Am. Bar Assoc. Jour. June, 1925.

**Interstate Commerce Act.** The development of the federal long and short haul clause. *Mattie Frazer*. Southwestern Pol. and Soc. Sci. Quar. June, 1925.

———. Interstate commerce: Illegal restraints. *Gordon E. Youngman*. Cornell Law Quar. June, 1925.

———. Section 15a of interstate commerce act. *D. Philip Locklin*. Jour. Pol. Econ. Aug., 1925.

**Japanese Question.** The Japanese in the United States. *Konrad Bercovici*. Century. Sept., 1925.

**Jefferson.** Napoleon breaks Thomas Jefferson. *William E. Dodd*. Am. Mercury. July, 1925.

**Judicial Review.** The supreme court, congress, and the constitution. *Lauriz Vold*. Quar. Jour. Univ. N.D. May, 1925.

**Judiciary.** The judicial department of government as provided by the constitution of Iowa. *Carl H. Erbe*. Ia. Jour. Hist. and Pol. July, 1925.

———. The Mississippi valley and the federal judiciary, 1807-37. *Curtis Nettels*. Miss. Valley Hist. Rev. Sept., 1925.

**La Follette.** Robert M. La Follette. *Bruce Bliven*. New Repub. July 1.

———. Robert M. LaFollette's place in our history. *Bruce Bliven*. Current Hist. Aug., 1925.

**National Guard.** The status of the national guard. *Elbridge Colby*. Central Law Jour. July 20, 1925.

**Natural Resources.** Safeguarding the nation's natural wealth. *George Otis Smith*. Current Hist. Aug., 1925.

**Norwegian-Americans.** Heirs to the Vikings in America. *Earl Christmas*. Current Hist. Oct., 1925.

**Philippines.** Our Philippine problem. *George H. Fairchild*. Rev. of Revs. Sept., 1925.

———. The nationalist victory in the Philippine elections. *Norbert Lyons*. Current Hist. Sept., 1925.

**Police Power.** Legislatures and the pistol<sub>4</sub> problem. *J. P. Chamberlain*. Am. Bar. Assoc. Jour. Sept., 1925.

**Politics.** American politics: a Chinese view. *Yua-Ling Chin.* *Am. Mercury.* July, 1925.

———. American politics. *Leopoldo Lugones.* *Inter-America.* Aug., 1925.

———. Rainfall and the populist party in Nebraska. *John D. Barnhart.* *Am. Pol. Sci. Rev.* Aug., 1925.

———. The significance of the latest third party movement. *Fred E. Haynes.* The Pacific railway issue in politics prior to the civil war. *Robert R. Russel.* *Miss. Valley Hist. Rev.* Sept., 1925.

———. Progressivism at the cross roads. *Bruce Bliven.* *Current Hist.* Sept., 1925.

**Porto Rico.** Porto Rico: a study in colonial courtesies. *Caroline Dawes Appleton.* *Rev. of Revs.* Sept., 1925.

**Presidential Elections.** The dead vote of the South. *Gerald W. Johnson.* *Scribner's.* July, 1925.

———. The presidential election of 1824-1825. *Everett S. Brown.* *Pol. Sci. Quar.* Sept., 1925.

**Primary.** Oklahoma adopts preferential voting in the primary. *Harry A. Barth.* *Nat. Mun. Rev.* July, 1925.

**Prohibition.** Prohibition and the doctrine of the Weeks case. *Thomas E. Atkinson.* *Mich. Law Rev.* May, 1925.

———. Search and seizure: constitutional prohibition applied to transportation of contraband liquor in automobiles. *M. G. O.* *Calif. Law Rev.* May.

———. Five years of prohibition and its results. *William H. Stayton, Wayne B. Wheeler, and others.* *N. Am. Rev.* June-Aug., Sept.-Nov., 1925.

———. The church in politics. *Rollin Lynde Hartt.* *World's Work.* July.

———. Decentralization and law enforcement. *Wayne B. Wheeler.* *Central Law Jour.* July 20, 1925.

———. Is prohibition a success after five years? Yes. *Wayne B. Wheeler.* No. *Wm. Cabell Bruce.* Claims of prohibitionists. *Fabian Franklin.* *Current Hist.* Aug., Oct., 1925.

**Public Utilities.** When should depreciation be deducted to find the rate making value of public utilities. *H. C. Hasbrouck.* *Cornell Law Quar.* June.

———. Chief elements of controversy in public utility rate making: III. Depreciation practice among large industrial corporations. *John Bauer.* *Nat. Mun. Rev.* Aug., 1925.

**State Administration.** Four years under the Ohio reorganization code. *James K. Pollock, Jr.* *Nat. Mun. Rev.* Sept., 1925.

**State Constitutions.** Amendments to state constitutions. *F. H. Guild.* *Am. Pol. Sci. Rev.* Aug., 1925.

**Supreme Court.** The supreme court of the United States. *James M. Beck.* *W. Va. Law Quar.* Apr., 1925.

———. The business of the supreme court. A study in the federal judicial system. I. The period prior to the civil war. *Felix Frankfurter* and *James M. Landis.* *Harvard Law Rev.* June, 1925.

**Tariff.** National realignment on the tariff issue. *J. N. Aiken.* *Current Hist.* Oct., 1925.

**Taxation.** Federal taxes and preferred ship mortgages. *H. Maurice Fridlund.* *Harvard. Law Rev.* June, 1925.

- Taxation.** The gasoline tax. *Henry R. Trumbower*. Rev. of Revs. July.
- . Bank and corporation taxes in Massachusetts. *Henry F. Long*. Ohio by-passes the Smith law. *Emmett L. Bennett*. Nat. Mun. Rev. Aug.
- . Death and taxes. *Raymond Edwards Huntington*. Atlan. M. Sept.
- . Taxation problems. I. Tax reduction vs. tax reform. *David E. Finley*. II. Who should pay the taxes? *Daniel C. Roper*. III. The trend to an American democracy. *John Brittan Clark*. N. Am. Rev. Sept.-Nov., 1925.
- Veterans' Bureau. Making a wreck of the veteran. *William Edler*. Am. Mercury. July, 1925.
- Workmen's Compensation.** Eight years of federal compensation experience. *Frederick L. Hoffman*. Econ. World. Sept., 19, 1925.

## FOREIGN AND COMPARATIVE GOVERNMENT

*Books*

- Adamovich, L., and Froeklich, G.* Die oesterreichischen Verfassungsgesetze des Bundes und der Länder. Pp. 868. Vienna: Staatsdruckerei.
- Below, Georg von.* Der deutsche Staat des Mittelalters. Eine Grundlegung des deutschen Verfassungsgeschichte. Bd. 1. Pp. xxxv + 387. Leipzig: Quelle & Meyer.
- Clarke, John J.* Outlines of central government, including the judicial system of England. Pp. 208. London: Pitman.
- Domville-Fife, C. W.,* ed. The encyclopedia of the British empire. 3 vols. Pp. xv + 1787. Bristol: Rankin Bros.
- Emden, Cecil S.* Principles of British constitutional law. Pp. xix + 221. London: Methuen.
- Filareti, General.* In margine del fascismo. Pp. 421. Milan: Unitas.
- Franck, Paul.* La reconstruction financière de l'Autriche. Pp. 263. Paris: Rhea.
- Gooch, G. P.,* ed. Correspondence of Earl Russell. 2 vols. Longmans.
- Gray, Frank.* The confessions of a candidate. Pp. ix + 175. London: Martin Hopkinson.
- Hanotaux, Gabriel.* Histoire de la fondation de la troisième république. I: Le gouvernement de M. Thiers, 1870-1873. Paris: Plon.
- Iorga, N.* Histoire des états balcaniques jusqu' à 1924. Pp. 575. Paris: Gamber.
- Jèze, Gaston.* Les principes généraux du droit administratif. La technique juridique du droit public français. Pp. 482. Paris: Giard.
- Kaminski, Hanns Erich.* Der Faschismus in Italien. Pp. 141. Berlin: Verlag für Sozialwissenschaft.
- Kerr, Donald.* The law of the Australian constitution. Pp. viii + 382. Sydney: Law Book Co. of Australasia.
- Kotener, A. M.* Shanghai: its mixed court and council. Pp. xxvi + 589. Shanghai: "North China Daily News and Herald."
- Langhans, Manfred.* Vom Absolutismus zum Rätefreistaat. Pp. 160. Leipzig: Hirshfeld.
- Maxwell, Constantia.* A short history of Ireland. Pp. vi + 155. Dublin: Talbot Press.

*Michels, Robert.* Sozialismus und Faschismus in Italien. Pp. 323. Munich: Meyer u. Jessen.

*Micks, William L.* An account of the constitution, administration, and dissolution of the congested districts board for Ireland, from 1891 to 1923. Pp. 276. Dublin: Eason.

*Mills, Stephen.* Taxation in Australia. Pp. viii + 278. London: Macmillan.

*Moulton, Harold G., and Lewis, Cleona.* The financial problem of France. Macmillan.

*Munro, William Bennett.* The governments of Europe. Pp. 792. Macmillan.

*O'Dwyer, Sir Michael.* India as I knew it, 1885-1925. Pp. xi + 453. London: Constable.

*Popoff, Georg.* Tscheki. Der Staat im Staate. Pp. 306. Frankfurt: Frankfurter Societäts-Druckerei.

*Redlich, Joseph.* Österreichische Regierung und Verwaltung im Weltkriege. Yale Univ. Press.

*Rosenberg, Kate.* How Britain is governed. A short survey of the history and working of the British constitution. Pp. 96. London: Labour Pub. Co.

*Sait, Edward M., and Barrows, David P.* British politics in transition. (Govt. Handbooks.) Pp. 319. Yonkers-on-Hudson: World Book Co.

*Siew, Benjamin.* Lettlands Volks- und Staatswirtschaft. Pp. 298. Riga: Müllersche Buchhandlung.

*Trotsky, Leon.* Whither England? Pp. 192. N. Y.: Int. Publishers.

*Waliszewski, K.* La Russie il y a cent ans. Paris: Plon.

*Woo, James.* Le problème constitutionnel chinois. La constitution du 10 octobre 1923. Pp. 168. Paris: Giard.

#### Articles

**Australia.** Australian lessons for British labour. *Meredith Atkinson.* Nine-Cent. Aug., 1925.

———. The white Australia policy. "*Sydney.*" For. Affairs. Oct., 1925.

**Austria-Hungary.** Austria-Hungary's financial debacle. *George A. Schreiner.* Current Hist. July, 1925.

**Belgium.** Les élections belges et la crise du parlementarisme. *L. Dumont-Wilden.* Rev. Bleue. May 2, 1925.

———. Le milieu belge. *V<sup>te</sup> Henri Davignon.* Le Correspondant. July 25.

**Brazil.** Brazil to-day. *Lewis Spence.* Nine-Cent. July, 1925.

**British Empire.** Review of legislation. *A. Berriedale Keith and others.* Jour. Comp. Legis. and Int. Law. Aug., 1925.

**Bulgaria.** Recent events in Bulgaria. *Nadejda Stancioff Muir.* Contemp. Rev. June, 1925.

**Canada.** The treaty-making power in Canada. *N. A. M. Mackenzie.* Am. Jour. Int. Law. July, 1925.

———. The beginnings of British rule in Canada. *W. S. Wallace.* Canadian Hist. Rev. Sept., 1925.

**Central Europe.** Presidents of Europe's new republics. *Emil Lengyel.* Current Hist. July, 1925.

**China.** L'évolution de la Chine. II. Les moyens de communications. *Gaston Cadoux.* Les exigences de la jeune Chine. *André Duboscq.* Rev. Pol. et Parl. May, July, 1925.

———. La menace bolchéviste en Chine. *Maurice Lewandowski.* Rev. Deux Mondes. June 1, 1925.

———. La grande figure de la vieille Chine: Li-Houng-tchang. *J. J. Matignon.* Nouvelle Rev. June 15, July 1, 15, 1925.

———. La guerre en Chine. *L. Dumont-Wilden.* Rev. Bleue. July 4.

———. What keeps China together? *Harold Balme.* Education in China. *Charles Keyser Edmunds.* China's national ideals. *Kinn Wei Shaw.* Rev. of Revs. July, Sept., 1925.

———. The anti-Christian movement in China. *Ivan D. Ross.* Is China making progress? *Wilfred Grenfell.* Contemp. Rev. Aug., Sept., 1925.

———. The new "break-up" of China. *Harold Scott Quigley.* N. Am. Rev. Sept.-Nov., 1925.

**Czechoslovakia.** La codification du droit civil en Tchécoslovaquie. *Jaromír Sedláček.* Bull. Mens. Legis. Comp. Apr.-June, 1925.

———. Czech and Slovak at odds. I. From the Slovak standpoint. *Stephen J. Palickar.* II. From the Czech standpoint. *Ales Broz.* Current Hist. Aug. Egypt. La vie politique en Egypte. *Pierre Dalbert.* Rev. Pol. et Parl. May, 1925.

———. Martial law in Egypt, 1914-1923. *Sir M. S. Amos.* Law Quar. Rev. July, 1925.

———. The courts of Egypt. *Pierre Crabitès.* Am. Bar Assoc. Jour. Aug.

**France. Finances.** Enquête sur la situation financière de la France. I. II. *Paul Leclère.* Nos finances et le parlement. L'avenir de nos finances. *André Chaumeix.* Rev. de Paris. May 1, 15, July 1, 15, 1925.

———. L'impôt sur le capital. *Raphaël-Georges Lévy.* Rev. Deux Mondes. May 15, 1925.

———. La trésorerie et le problème des échéances. *Edgard Allix.* La dette publique française: création d'un "fonds consolidé" dans le budget. *Charles Georges-Picot.* Rev. Pol. et Parl. June, July, 1925.

———. French difficulties. *Abbé Ernest Dimnet.* Nine. Cent. Aug., 1925.

———. French finances: will Caillaux succeed? *John Bell.* Fort. Rev. Aug., 1925.

———. **Government.** La révision de la constitution et les pouvoirs du président de la république. XXX. Rev. Pol. et Parl. May, 1925.

———. **History.** Mémoires. VII. La seconde république. VIII. Le coup d'état du 2 décembre. *Duc de Broglie.* Rev. Deux Mondes. May 15, June 1.

———. Communism during the French revolution. *Louis R. Gottschalk.* Pol. Sci. Quar. Sept., 1925.

———. **Politics.** Enquête sur les réformes sociales à réaliser par la présente législature. *André Gayot.* La Grande Rev. Apr., 1925.

———. Le journal d'un parlementaire (publié par Louis Payen et José de Bérys.) *Édouard Millaud.* Le Garibaldisme et la France (*fin*). *Ange Morre.* Paul-Louis Courier et la liberté de la presse (*fin*). *Louis Desternes.* Nouvelle Rev. May 1, 1925.

**France.** Le nouveau ministère. Le cartel et les affaires extérieures. La crise de l'état. *André Chaumeix*. Rev. de Paris. May 1, 15, June 15, 1925.

———. Lisons l'histoire. Le ministère de Monsieur de Calonne. *Camille Vallaux*. Mercure de France. May 15, 1925.

———. La question juive en France. *Léonard Rosenthal*. Rev. Mondiale. May 15, 1925.

———. The problem of aliens in France. *André and Adrien Paulian*. Nine. Cent. June, 1925.

———. France's fresh start. *Sisley Huddleston*. Contemp. Rev. June.

———. Baiting the church in France. *Denis Gwynn*. Atlan. M. Aug., 1925.

———. The liberal trend in French politics. *Louise Weiss*. Current Hist. Oct., 1925.

**Germany.** L'Allemagne au lendemain de l'élection présidentielle. *Edmond Vermeil*. Le budget et la situation financière de l'Allemagne en 1925. *Léon Douarache*. Rev. Pol. et Parl. May, 1925.

———. Hindenburg—and after. *O. de L.* Contemp. Rev. June, 1925.

———. Die Auslegung des Art. 48 der Reichsverfassung. *Hans Nawiasky*. Die Neuordnung des Gemeindewesens im Freistaate Sachsen. *Oscar von Gehe*. Archiv. öffent. Rechts. Vol. 9, no. 1, 1925.

———. The German presidential election. *Elmer D. Graper*. Am. Pol. Sci. Rev. Aug., 1925.

**Great Britain.** Economic Policy. The budget. *F. W. Hirst*. The budget insurance scheme. *Wedgwood Benn*. Contemp. Rev. June, July, 1925.

———. The nation and the land. *Noel Skelton*. Quar. Rev. July, 1925.

———. National finance. *Harold Cox*. Edin. Rev. July, 1925.

———. The report of the royal commission on food prices. *Christopher Addison*. The widows, orphans and old age contributory pensions bill. *W. R. Barker*. Nine. Cent. July, 1925.

———. Currency and public administration. *R. G. Hawtrey*. Direct taxation from an administrative point of view. *W. B. Cowcher*. Jour. Pub. Admin. July, 1925.

———. The problem of the unemployed. *T. J. Macnamara*. Contemp. Rev. Sept., 1925.

———. John Bull and his troubles. *Frank H. Simonds*. Rev. of Revs. Sept., 1925.

———. The crisis in British industry. *Sidney Webb*. Current Hist. Oct.

———. **Government.** The privy council. *Justice Duff*. Canadian Bar Rev. June, 1925.

———. The inception of the British board of trade. *Anna L. Lingelbach*. Am. Hist. Rev. July, 1925.

———. Local legislation. *J. G. Gibbon*. Jour. Pub. Admin. July, 1925.

———. The authority of the house of commons. *Hilton Young*. Contemp. Rev. July, 1925.

———. Our public security problem. *Coles Pasha*. Government publications. *W. R. Parker*. Nine. Cent. Aug., Sept., 1925.

———. Politics. Can liberalism revive? *John Murray*. The session and the parties. *Harold Spender*. Contemp. Rev. June, Sept., 1925.

- Great Britain. George Curzon. *Sir Ian Malcolm*. Quar. Rev. July, 1925.
- . English politics today. *Harold J. Laski*. New Repub. July 8.
- . The English revolution and the press. *Hilaire Belloc*. Harper's. Aug., 1925.
- . The rise of the official class. *W. F. Watson*. Seven months of conservative policy. "Curio." Fort. Rev. Sept., 1925.
- . British labor steps ahead. Its influence on labor in the United States. *Edwin W. Hullinger*. Scribner's. Oct., 1925.
- Greece. Greece since the June "revolution." *William Miller*. Contemp. Rev. Sept., 1925.
- Ireland. L'histoire constitutionnelle de l'Irlande. *René Le Conte*. Rev. Droit. Pub. et Sci. Pol. Apr.-June, 1925.
- . Lord Balfour's legacy to Ireland. *Denis Gwynn*. Nine. Cent. Sept., 1925.
- . Economic progress in Ireland. "Macdara." Fort. Rev. Sept.
- Italy. Fascism in Italian history. *Roberto Cantalupo*. For. Affairs. Oct.
- Japan. Japan's social problem. *M. D. Kennedy*. Nine. Cent. Sept., 1925.
- Jugoslavia. Jugoslavia in the making. *Hamilton Fish Armstrong*. Am. Pol. Sci. Rev. Aug., 1925.
- Kenya. The future of east Africa. *J. W. Gregory*. Edin. Rev. July, 1925.
- Poland. La politique sociale de la Pologne. *R. de Nolva*. Rev. Mondiale. June 15, 1925.
- . The Polish-Jewish pact to end anti-Semitism. *Herman Bernstein*. Current Hist. Oct., 1925.
- Roumania. La loi sur la nationalité en Roumanie. *Vladimir Athanasovici et M. Ionescu-Dolj*. Bull. Mens. Légis. Comp. Apr.-June, 1925.
- Russia. Le code agraire soviétique. *M. Martchenko*. Bull. Mens. Légis. Comp. Apr.-June, 1925.
- . Der Staat, das Recht und die Wirtschaft des Bolschewismus. *S. Frank, Alexander S. Isgojew, u. andere*. Archiv. Rechts- u. Wirtschaftsphilosophie. Vol. 18, no. 4, 1925.
- . Russia revisited. *A. Ruth Fry*. Contemp. Rev. June, 1925.
- . The trades union report on Russia. *Sir Bernard Pares*. Quar. Rev. July, 1925.
- . What is happening in Russia? *William Henry Chamberlin*. New Repub. July 29, 1925.
- . La Russie nouvelle. *Georges Portmann*. Rev. Pol. et Parl. Aug.
- . Les forces militaires de la Russie rouge. I. L'oeuvre de Trotsky. \* \* \*. Le Correspondant. Aug. 10, 1925.
- . Russia, without prejudice. *Sir Martin Conway*. Atlan. M. Sept.
- . The bolsheviks and the peasant. *Vladimir Zenzinov*. For. Affairs. Oct., 1925.
- . Peasant progress in soviet Russia. *William Henry Chamberlin*. Current Hist. Oct., 1925.
- Spain. Spaniens neue Selbstverwaltung. *W. von Rauchhaupt*. Zeitschrift gesamte Staatswissenschaft. No. 3, 1925.
- . The burning question of Spain. *Robert Sencourt*. Atlan. M. July.
- . Political reform in Spain. *R. Gordon George*. Edin. Rev. July.

Spain. La jurisdicción militar y la policía gubernativa. *Carlos Blanco*. Rev. Gen. Legis. y Juris. July, 1925.

Sweden. Proportional representation in Sweden. *Nils Herlitz*. (Translated by *Fred Berquist* and *Clarence A. Berdahl*.) Am. Pol. Sci. Rev. Aug., 1925.

Turkey. The future of Islamism. *A. Rustem Bey*. Nine. Cent. June, 1925.

———. Turkish facts and fantasies. *F. For. Affairs*. July, 1925.

———. The break-up of Islam. *A. M. Chirgwin*. Contemp. Rev. Aug.

## INTERNATIONAL RELATIONS

### Books

*Ando, Yoshiro*. La liberté du commerce et la société des nations. Pp. vi + 184. Paris: Berger-Levrault.

*Blakeslee, George H.* The recent foreign policy of the United States. Pp. 361. N. Y.: Abingdon Press.

*Briey, Comte Renaud de*. L'épreuve du feu. Pp. 240. Paris: Berger-Levrault.

British year book of international law, 1925. Oxford Univ. Press.

*Burckhard, Charles*. Le mandat français en Syrie et au Liban. Pp. 198. Paris: Fabre.

*Bustanente, Antonia S. de*. The permanent court of international justice. Macmillan.

*Charles-Luke, Harry*. Mosul, and its minorities. London: Hopkinson.

*Clarke, John H.* America and world peace. Holt.

*Fachiri, Alexander P.* The permanent court of international justice: its constitution, procedure and work. Oxford Univ. Press.

*Giménez-Valdivieso, T.* La suppression de la guerre. Pp. 302. Paris: Rhea.

*Glasgow, George*. The foreign policy of the first labour government in Great Britain. Pp. 332. London: Cape.

*Grey of Falloden, Viscount*. Twenty-five years (1892-1916). N. Y.: Frederick A. Stokes Co.

*Hall, Hubert*. British archives and the sources for the history of the world war. Pp. xxi + 445. London: Milford.

*Harbord, James G.* Leaves from a war diary. Dodd, Mead.

*Harris, H. Wilson*. What the league of nations is. Pp. 125. London: Allen & Unwin.

*Haushofer, Karl*. Geopolitik des pazifischen Ozeans. Pp. 453. Berlin: Kurt Vohwinkel Verlag.

*Henry-Couannier, André*. Legitimité de la guerre aérienne. Pp. 252. Paris: Orbem.

*Hughes, Charles Evans*. The pathway of peace. Harper's.

*Jorga, N.* Histoire des états balkaniques jusqu' à 1924. Paris: Gamber.

*Kayser, Jacques*. Ruhr ou plan Dawes. Paris: Delpeuch.

*Lazare*. À l'origine du mensonge. Paris: Delpeuch.

*Lhéritier, M.* Histoire diplomatique de la Grèce de 1820 à nos jours. T. 3: Le règne de Georges 1<sup>er</sup>. Pp. xxvi + 516. Paris: Les Presses Universitaires.

*Liu, Shih Shun*. Extraterritoriality, its rise and decline. Pp. 235. Longmans.



- MacLean, Annie Marion.* Modern immigration. Philadelphia: Lippincott.
- Makowski, Julien.* La situation juridique du territoire de la ville libre de Dantzig. Paris: Bossard.
- Margueritte, Victor.* Les criminels. Pp. 356. Paris: Flammarion.
- Mitrany, D.* The problem of international sanctions. Oxford Univ. Press.
- Nearing, Scott, and Freeman, Joseph.* Dollar diplomacy. Huebsch.
- Nevill, Ralph.* Unconventional memories, Europe-Persia-Japan. Doran.
- Nicoglou, Stephen.* L'affaire de Gorfou et la société des nations. Pp. 128. Paris: Mettray.
- Playne, C. E.* The neuroses of nations: the neuroses of Germany and France. London: Allen & Unwin.
- Pratt, Julius W.* The expansionists of 1812. Macmillan.
- Read, Elizabeth F.* International law and international relations. Pp. viii + 201. N. Y.: Am. Foundation.
- Renouvin, Pierre.* Les origines immédiates de la guerre. Pp. 292. Paris: Costes.
- Ristelhueber, René.* Les traditions françaises au Liban. Paris: Alcan.
- Schanzer, Carlo.* Sulla società delle nazioni. Pp. 236. Rome: Anonima Romana Editoriale.
- Schonaich, Paul von.* Vom vorigen zum nächsten Krieg. Pp. 184. Berlin: Verlag der neuen Gesellschaft.
- Scott, James Brown.* Sovereign states and suits before arbitral tribunals and courts of justice. Pp. 370. N. Y. Univ. Press.
- Simon, Hugo Ferdinand.* Reparation und Wiederaufbau. Pp. xix + 332. Berlin: C. Heymann.
- Toynbee, Arnold J.* The world after the peace conference. Pp. 91. Oxford Univ. Press.
- Toynbee, Arnold J.* Survey of international affairs, 1920-1923. Pp. xv + 526. Oxford Univ. Press.
- Zubieta, Pedro A.* Apuntaciones sobre las primeras misiones diplomáticas de Colombia. (Primers y segundo períodos, 1809-1819-1830.) Pp. 637. Bogotá: Imp. Nacional. 1924.

#### Articles

- American Foreign Policy.** The "hyphenates" and American foreign policy. *Clarence W. Alvord.* Contemp. Rev. July, 1925.
- . American policy and international security. *Leo S. Rowe and others.* Ann. Am. Acad. July, 1925.
- . Theodore Roosevelt and the prelude to 1914. *Simeon Strunsky.* For. Affairs. Oct., 1925.
- . The future of American imperialism. *Raymond Leslie Buell.* Yale Rev. Oct., 1925.
- Arctic.** Political rights in the Arctic. *David Hunter Miller.* For. Affairs. Oct., 1925.
- Armenia.** La société des nations et les puissances devant le problème arménien. *A. Mandelstam.* Rev. Gén. Droit Int. Pub. Nov.-Dec., 1924.
- Balkans.** The balance of power in the Balkans. *J. Walter Collins.* Contemp. Rev. Sept., 1925.

**Bessarabia.** Rumania's claim to Bessarabia. *Hamilton F. Armstrong.* Current Hist. July, 1925.

**Bolshevism.** Les communistes, le Maroc et le Caucase. *Jean Leune.* Le Correspondant. July 25, 1925.

———. Red backgrounds in Morocco and China. *Frank H. Simonds.* Rev. of Revs. Aug., 1925.

**Boundaries.** The Red River boundary dispute. *W. Clayton Carpenter.* Am. Jour. Int. Law. July, 1925.

———. The German-Polish frontiers. *Hans Delbrück.* Contemp. Rev. July, 1925.

**British Foreign Policy.** The study of British foreign policy (nineteenth century). *C. K. Webster.* Am. Hist. Rev. July, 1925.

———. Twin books on two policies. *Algernon Cecil.* Contemp. Rev. Aug., 1925.

**Buffer States.** Quelques observations concernant la possibilité d'assurer l'intégrité territoriale et l'indépendance des états secondaires qui se trouvent dans une situation singulièrement exposée. *Rafael Erich.* Rev. Droit Int. et Légis. Comp. No. 3, 1925.

**Caribbean.** What America is doing for Haiti. *Arthur Ruhl.* Santo Domingo under the revised treaty. *Henry Kittredge.* Current Hist. Aug., Oct., 1925.

**China.** China in anti-foreign mood. *Hewlett Hughes.* The Chinese crisis—a conflict of cultures. *Charles Hodges.* China's battle against foreign control. *K. K. Kawakami.* The politics of missionary work in China. *Benjamin H. Williams.* Current Hist. July, Sept., Oct., 1925.

———. China and Britain. *R. O. Hall.* Nine. Cent. Aug., 1925.

———. Le vrai visage de la Chine. *J. Lucas Championnière.* Rev. Mondiale. Aug. 1, 1925.

———. American policy and Chinese affairs. *Frank B. Kellogg.* Am. Bar Assoc. Jour. Sept., 1925.

———. The Shanghai affair and after. *G. For. Affairs.* Oct., 1925.

**Concordat.** Le maintien du concordat en Alsace-Lorraine et le principe de la "réintégration." *Fernand de Visscher.* Rev. Droit Int. et Légis. Comp. No. 3, 1925.

**De Facto Governments.** De facto government. *Luis Anderson.* Inter-America. Aug., 1925.

**Diplomacy.** Diplomatic prerogatives of non-diplomats. *C. van Vollenhoven.* Am. Jour. Int. Law. July, 1925.

———. The economics of diplomacy. *Alfred L. P. Dennis.* N. Am. Rev. Sept.-Nov., 1925.

**Disarmament.** L'Angleterre et Singapour. *Lucien Bec.* Rev. Mondiale. May 15, 1925.

———. The limitation of armaments. *Bradley A. Fiske.* Harper's. July.

———. Naval problems of to-day. *Gerard Fiennes.* Nine. Cent. July.

———. The next naval conference. *E. Altham.* Quar. Rev. July, 1925.

———. The armies of Europe in 1925. *Frederick Maurice.* For. Affairs. July, 1925.

**Enemy Property.** Return of enemy-owned property and payment of American claims. *Howard S. LeRoy.* Am. Bar Assoc. Jour. Aug., 1925.

**Entente.** La politique anglaise et la France. *L. Dumont-Wilden.* Rev. Bleue. June 6, 1925.

**Europe.** Is a real peace emerging in Europe? *Frank H. Simonds.* Rev. of Revs. July, 1925.

———. Misunderstanding Europe. *Langdon Mitchell.* Century. Aug.

**German Policy.** Le relèvement de l'Allemagne ou six ans d'opportunisme. *René Lote.* La Grande Rev. June, 1925.

———. La propagande allemande en Espagne. *Eric Roques.* La menace allemande contre l'Alsace et la Lorraine. *Frédéric Eccard.* Rev. Pol. et Parl. June, Aug., 1925.

———. La présidence Hindenburg et la paix du monde. *C<sup>ie</sup> de Sainte-Aulaire.* Rev. Deux Mondes. July 1, 1925.

———. The German people and their lost colonies. *Evans Lewin.* Atlan. M. Aug., 1925.

———. Dissatisfied Germany. *Archibald Cary Coolidge.* For. Affairs. Oct., 1925.

**Greece.** The unredeemed isles of Greece. *Hamilton Fish Armstrong.* For. Affairs. Oct., 1925.

**Grotius.** Hugo Grotius: 1625-1925. *H. Ch. G. J. van der Mandere.* Contemp. Rev. June, 1925.

———. Grotius (1625-1925). *W. J. M. van Eysinga.* Rev. Droit Int. et Légis. Comp. No. 3, 1925.

———. Grotius' De Jure Belli ac Pacis: the work of a lawyer, statesman and theologian. *James Brown Scott.* Am. Jour. Int. Law. July, 1925.

**International Court of Justice.** The world court. *John L. Whitaker.* Tenn. Law Rev. Mar., 1925.

———. The permanent court of international justice and the Geneva "peace protocol." *P. de Vineuil.* Riv. Diritto Int. Apr.-June, 1925.

———. Hacia la justicia internacional, por el arbitraje. *André Weiss.* Rev. Gen. Legis. y Juris. July, 1925.

———. The work of the permanent court of international justice during its first three years. *Manley O. Hudson.* World Peace Foundation Pamphlets. Vol. VIII, no. 7, 1925.

**International Disputes.** La solution pacifique des litiges internationaux. *Paul de Saint-Hugon.* Le Correspondant. Aug. 10, 1925.

**International Law.** I soggetti del diritto internazionale (*cont. e fine*). *A. Cavaglieri.* Riv. Diritto Int. Apr.-June, 1925.

———. The prospect for international law in the twentieth century. *Manley O. Hudson.* Cornell Law Quar. June, 1925.

———. The progressive codification of international law. *George A. Finch.* Am. Jour. Int. Law. July, 1925.

**International Sanctions.** International sanctions and American law. *J. Whilla Stinson.* Am. Jour. Int. Law. July, 1925.

**International Tribunals.** La compétence des tribunaux internationaux (*suite*). *Frede Castberg.* Rev. Droit. Int. et Légis. Comp. No. 3, 1925.

**Isle of Pines.** La controversia sobre la isla de Pinos. *Elbridge Colby.* Rev. Bimestre Cubana. Jan.-Apr., 1925.

**Isle of Pines.** The Isle of Pines treaty. *Benjamin H. Williams*. For. Affairs. July, 1925.

**Japanese Question.** International aspects of the U. S. immigration law of 1924. *Kiyo Sue Inui*. Contemp. Rev. Sept., 1925.

**League of Nations.** The league of nations and unanimity. *Sir John Fischer Williams*. Am. Jour. Int. Law. July, 1925.

———. Société des nations et jeunesse universitaire. *Pierre Cot*. La Grande Rev. July, 1925.

———. Geneva seeks a new world. *Sarah Wambaugh*. Century. July.

———. France and the league. *Louis Aubert*. For. Affairs. July, 1925.

———. Aandslivets internationalisering. *L. Th. Arnskov*. Tilskueren. Aug., 1925.

———. Peace and the *status quo*. *Roth Williams*. Contemp. Rev. Sept.

**Mandates.** The United States and the mandates. *Quincy Wright*. Mich. Law Rev. May, 1925.

———. Le pacte de la société des nations et les mandats levantins. *Pierre Tissier*. La Grande Rev. June, 1925.

**Mexico.** The legal aspects of our relations with Mexico. *Charles Beecher Warren*. Am. Bar Assoc. Jour. Sept., 1925.

**Mineral Resources.** The political control of mineral resources. *C. K. Leith*. For. Affairs. July, 1925.

**Minorities.** Des principes de compétence et de loi applicable régissant les Hellènes en Turquie et les Musulmans en Grèce. *C. G. Tenekides*. Rev. Droit Int. et Légis. Comp. No. 3, 1925.

**Morocco.** Le statut international de Tanger. *Pierre Cot*. Jour. Droit. Int. May-June, 1925.

———. Le maréchal Lyautey et le Maroc français. *F. Charles-Roux*. L'Af-faire marocaine. *Commandant H. V.* Le développement économique du Maroc. *L. Quesnot*. Rev. Pol. et Parl. June, July, Aug., 1925.

———. The three Moroccos. *Walter B. Harris*. For. Affairs. July, 1925.

———. The French African empire. *Charles Sarolea*. The truth about Mo-rocco. *Beckles Wilson*. Contemp. Rev. July, Aug., 1925.

———. Au Maroc. I. II. *Abel Bonnard*. De Raïssouli à Abd el Kerim. *Marquis de Segonzac*. Rev. de Paris. July 1, 15, 1925.

———. La Maroc et la question riffaine. \* \* \*. Le Maroc espagnol et nous. *L. de Jurquet*. Le Correspondant. July 10, 25, 1925.

———. The Moroccan war an international peril. *Carleton Beals*. French African empire a heavy burden. *Charles Sarolea*. Tangier's plight under three-power rule. *May Mott-Smith*. Current Hist. July, Sept., 1925.

———. Abd el-Krim and the war in Africa. *Vincent Sheean*. Atlan. M. Aug., 1925.

———. L'insurrection rippo-marocaine. *V. Augagneur*. Rev. Mondiale. Aug. 1, 1925.

———. The Riff question. *A. S. Moss Blundell*. Nine. Cent. Sept., 1925.

**Mosul.** The Mosul question. *F. W. Chardin*. Contemp. Rev. July, 1925.

**Nationality.** La double nationalité en Amérique. *José de Yanguas*. Rev. Droit Int. et Légis. Comp. No. 3, 1925.

Nationality. Uniformity of law in respect to nationality. *J. W. Garner*. *Am. Jour. Int. Law*. July, 1925.

———. *La naturalisation in globo en Grèce et les traités de paix conclus postérieurement au 1<sup>er</sup> janvier 1913*. *C. G. Tenekidès*. *Jour. Droit Int.* May-June, 1925.

Near East. The Iraq dispute. *For. Affairs*. July, 1925.

———. Palestine and Lord Balfour. *H. St. J. B. Philby*. Palestine and Lord Balfour: a reply. *Israel Cohen*. 'England' in Palestine. *Ernest Richmond*. *Nine. Cent.* June, July, 1925.

———. Transjordan today. *H. Charles Woods*. *Contemp. Rev.* Sept.

———. Arab versus Jew in the new Palestine. I. From the Arab standpoint. *Isaac M. Hussein*. II. From the Zionist standpoint. *Conrad Stein*. *Current Hist.* Sept., 1925.

Occupied Territory. Les chemins de fer en Allemagne occupée et la paix. *Yves Le Trocquer*. *Rev. Deux Mondes*. May 15, 1925.

———. L'occupation rhénane et le droit des gens. *P. Huguet*. *Rev. Gén. Droit Int. Pub.* Nov.-Dec., 1924.

Opium Question. La conférence de l'opium. *Maurice Besson*. *Rev. Pol. et Parl.* June, 1925.

———. Opium traffic's stranglehold on China. *W. H. G. Aspland*. *Current Hist.* July, 1925.

———. The opium conferences. *Raymond Leslie Buell*. *For. Affairs*. July.

———. The opium conferences. *Quincy Wright*. *Am. Jour. Int. Law*. July.

———. The opium question: I. The Hague convention in the light of the Geneva conferences. II. A new opium policy. *C. F. Andrews*. *Contemp. Rev.* Aug., 1925.

Pan Americanism. Pan Americanism and the Pan American conferences. *Lucio M. Moreno Quintana*. *Inter-America*. June, 1925.

———. The fetish of force. *William E. Borah*. *Forum*. Aug., 1925.

Postal Immunity. L'immunité postale en temps de guerre. *Baron L. de Stael-Holstein*. *Rev. Droit Int. et Légis. Comp.* No. 3, 1925.

Reparations. Les réparations en nature. *E. Mireaux*. *Rev. de Paris*. July 1.

———. The first year of the Dawes plan. *Denys P. Myers*. *Econ. World*. Sept. 5, 1925.

———. The payment of reparations and inter-ally debts. *James W. Angell*. *For. Affairs*. Oct., 1925.

Ruhr. The Ruhr occupation. *Nicholas Roosevelt*. *For. Affairs*. Oct., 1925.

Russia. Russland und Europa. *Karl Stählin*. *Hist. Zeitschrift*. Vol. 132, no. 2, 1925.

———. La condition des étrangers dans l'union des républiques soviétiques. *A. Grouber* et *P. Tager*. La reconnaissance en France du gouvernement des soviets et ses conséquences juridiques. *André Prudhomme*. Les rapports des traités russo-allemands et l'application du droit soviétique en Allemagne. *D. H. Freund*. Le status gouvernement soviétique en Angleterre et en Amérique. *Lucius F. Crane*. *Jour. Droit Int.* Mar.-Apr., 1925.

———. Extraterritorial operation and effect of confiscatory decrees of the soviet government. *John Paul Trotter*. *N. C. Law Rev.* June, 1925.

- Russia. Russia and Japan. *S. K. H. Contemp. Rev.* July, 1925.
- . Le blocus des bolchévistes. *Contre-Amiral Degouy. Rev. Deux Mondes.* July 15, 1925.
- Security Pact. Le problème de la sécurité. *Général Morgan. Rev. Deux Mondes.* June 15, 1925.
- . Vers la sécurité. *Général Regnault. Rev. Mondiale.* July 15, 1925.
- . The security problem. *Hans Luther. For. Affairs.* July, 1925.
- . The pact of security. *H. A. L. Fisher. Contemp. Rev.* Aug.
- . Mr. Chamberlain at Geneva. *Hugh F. Spender. The true meaning. "Augur." Security: the next step. Hugh F. Spender. Fort. Rev.* Aug., Sept., 1925.
- Spanish American War. Germany and the Spanish-American war. *Lester B. Shippee. Am. Hist. Rev.* July, 1925.
- State Immunity. Waiver of state immunity. *Edwin D. Dickinson. Am. Jour. Int. Law.* July, 1925.
- Switzerland. Switzerland's position in Europe. *Hugh Gibson. For. Affairs.* Oct., 1925.
- Tacna-Arica. L'arbitrage de Tacna-Arica. *Quincy Wright. Rev. Droit Int. et Légis. Comp.* No. 3, 1925.
- Treaty of Versailles. Treaty revision. *William Martin. Atlan. M.* July, 1925.
- Vatican. L'ambassade de France au Vatican. *Jean de Bonnefon. Rev. Mondiale.* July 1, 1925.
- . L'exposition des missions au Vatican. *Joseph Ageorges. Le Correspondant.* July 10, 1925.
- . Les Missions au Vatican. *Pierre Troyon. Rev. Deux Mondes.* July 15, 1925.
- War. La sélection de la guerre. *F. Froger-Doudement. Rev. Mondiale.* June 15, 1925.
- . The moral value of war. *George W. Hinman, Jr. Forum.* July.
- . The economic cause of war. *Edward Beach Howell. Atlan. M.* July, 1925.
- War of 1870. Michelet et la guerre de 1870 (d'après des documents inédits). *Jean-Marie Carré. Mercure de France.* May 15, 1925.
- War Debts. L'Angleterre et les dettes interalliées. *William Bonnet. La dette américaine envers la France. A. Aulard. Rev. de Paris.* May 1, 15, 1925.
- . L'Angleterre et nos dettes. *Victor Augagneur. Rev. Mondiale.* June 1, 1925.
- . La dette et les créances de guerre de la France. *C. Colson. Le règlement des dettes interalliées. John W. O'Leary. Le congrès de Bruxelles et le problème des dettes interalliées. Jean Duchenois. Rev. Pol. et Parl.* June, July, Aug., 1925.
- . The economic bases of the international debt problem. *Gustav Cassel. Econ. World.* July 25, 1925.
- . How France spent her borrowed billions. *Louis Marin. Current Hist.* Aug., 1925.
- . The truth about the French and German debts. *T. H. Thomas. World's Work.* Sept., 1925.

**War Debts.** Can France pay? *Sisley Huddleston*. New Repub. Sept. 23, 1925.

**World War.** Reflections on the question of war guilt. *Thomas G. Masaryk*. The responsibility for the war. *Raymond Poincaré*. For. Affairs. July, Oct.

———. New Page letters. II. III. IV. Edited by *Burton J. Hendrick*. I. Roosevelt, Wilson, and Page. II. Colonel House and crises in diplomacy. III. Whither is Europe moving? *Viscount Grey of Falloden*. World's Work. July, Aug., Sept., 1925.

———. Musings of an inebriated historian. *Clarence W. Alword*. The Walter Hines Page legend. *C. Hartley Grattan*. Am. Mercury. Aug., Sept.

———. Serbia's responsibility for the world war. *Sidney B. Fay*. Current Hist. Oct., 1925.

## JURISPRUDENCE

### Books

*Bustamente y Sirven, A. S. de.* Proyecto de codigo de derecho internacional privado. Pp. 288. Habana: Imp. "El Siglo XX."

*Jèze, Gaston.* Cours de droit public. Les contrats administratifs. Pp. 236. Paris: Giard.

*Nelson, Leonard.* System der philosophischen Rechtslehre und Politik. Pp. xxxv + 680. Leipzig: Verlag "Der neue Geist." 1924.

*Ravenscroft, Byfleet G.* International trade mark law and practice. Pp. 725. N. Y.: Trade Mark Law Publishing Co.

*Rodenbeck, Adolph J.* The anatomy of the law. Boston: Little, Brown.

*Stammler, Rudolf.* The theory of justice. (Trans. by Isaac Husick.) Pp. 630. Macmillan.

### Articles

**Administrative Contracts.** Les contrats administratifs. *Gaston Jèze*. Rev. Droit. Pub. et Sci. Pol. Apr.-June, 1925.

**Conflict of Laws.** Ernst Zitelmann e il problema del diritto internazionale privato (*cont. e fine*). *E. Betti*. Riv. Diritto Int. Apr.-June, 1925.

**Crime.** War on the growing menace of crime. *Mark O. Prentiss*. Current Hist. Oct., 1925.

**Criminal Justice.** Improvement of administration of criminal justice by exercise of judicial power. *Marcus A. Kavanagh*. Va. Law Register. June, 1925; Am. Law Rev. July-Aug., 1925.

———. Possibility of improvement by administrative and procedural reforms in connection with criminal prosecution. *Alfred Bettman*. Criminal justice in America: possibility of improvement by statutory changes and constitutional amendments affecting procedure. *Charles Kellog Burdick*. Am. Bar Assoc. Jour. July, Aug., 1925.

———. Present police and legal methods for the determination of the innocence or guilt of the suspect. *J. A. Larson*. Jour. Crim. Law and Crim. Aug.

———. What happens in a French criminal trial. *D. C. Westenhaver*. W. Va. Law Quar. June, 1925.

**French Law.** L'introduction des lois civiles et commerciales françaises en Alsace et Lorraine (*suite et fin*). *M. Nast*. Jour. Droit Int. Mar., Apr., 1925.

**French Law.** Pour empêcher la France de se dépeupler, il faut changer nos lois civiles et nos lois pénales. *Henri Coulon*. *La Grande Rev.* May, 1925.

**Judicial Decisions.** The theory of judicial decisions; or how judges think. *Max Radin*. *Am. Bar Assoc. Jour.* June, 1925.

**Jurisdiction.** Enlargement of jurisdiction by court rule. *June P. Wooten*. *Central Law Jour.* Aug. 5, 1925.

**Legal Aid.** Public legal aid work. *Austin F. Macdonald*. *Nat. Mun. Rev.* Sept., 1925.

**Legal Principles.** Études de principologie du droit. *A. Goroutseff*. *Rev. Droit Pub. et Sci. Pol.* Apr.-June, 1925.

**Procedure.** Federal procedure. *Arthur M. Brown*. *Boston Univ. Law Rev.* June, 1925.

**Spanish Law.** Sources et domaine d'application du droit civil espagnol. *René Roger*. *Bull. Mens. Légis. Comp.* Apr.-June, 1925.

### LOCAL GOVERNMENT

#### Books

*Cat, Victor*. Le bloc ouvrier paysan aux élections municipales. Paris: Libr. de l'Humanité.

*Fox, Dixon R.*, ed. The minutes of the court of sessions, Westchester county, New York. White Plains (N. Y.): Westchester Co. Hist. Soc.

*Samuels, H.* The county councillor. Pp. 96. London: Labour Pub. Co.

*Shambaugh, Benjamin F.*, ed. County government and administration in Iowa. (Iowa Applied History Series, vol. IV.) Pp. viii + 716. Iowa City: State Hist. Soc. of Ia.

*Wightwick, H. W.* District and parish councils. A concise guide to their powers and duties. Pp. xlv + 525. London: Stevens.

#### Articles

**Berlin.** Berlin under empire and republic. *Hans G. L. Delbrueck*. *Current Hist.* Oct., 1925.

**Chinese Local Government.** Chinese local government under the Chow dynasty *H. Shung Gao*. *Chinese Soc. and Pol. Sci. Rev.* July, 1925.

**City Council.** Our city councils. V. Chicago's time consumed by details. *Evelyn L. Barth*. *Nat. Mun. Rev.* Sept., 1925.

**City Manager.** Municipal progress under manager government. I. The story of Pasadena. *Harlan W. Hall*. II. Durham gets more and better service. *Wyatt T. Dixon*. *Nat. Mun. Rev.* July, Aug., 1925.

———. How the city manager plan is working. I. *Am. City.* Sept., 1925.

**City Planning.** Land subdivisions and the city plan. *Herbert S. Swan* and *George W. Tuttle*. Cincinnati's comprehensive city plan. *George B. Ford*. Harrisburg's city plan. *Dean Hoffman*. *Nat. Mun. Rev.* July, Aug., 1925.

———. Recent theories in street and block planning. *Jacob L. Crane, Jr.* *Am. City.* Aug., 1925.

**Civic Center.** Los Angeles' bold plans for a civic center. *Gardner W. Gregg*. *Nat. Mun. Rev.* July, 1925.



**County Parks.** Westchester county park system. *Jay Dower.* Nat. Mun. Rev. July, 1925.

**Des Moines.** Des Moines cleans house. *Merze Marvin.* Nat. Mun. Rev. Sept., 1925.

**London.** London's metropolitan government: conclusions and recommendations of the royal commission. *Joseph A. Cohen.* Nat. Mun. Rev. Aug., Sept., 1925.

**Municipal Finance.** State supervision of municipal finance in New Jersey. *Wylie Kilpatrick.* Nat. Mun. Rev. Aug., 1925.

**Municipal Ownership.** Some dangers in municipal ownership to be avoided. *Delos F. Wilcox.* Am. City. Sept., 1925.

**Paris.** Les affiches electorales—Paris gayly chooses a council. *Robert C. Brooks.* Nat. Mun. Rev. Sept., 1925.

**Regional Planning.** The region, a new governmental unit. *Thomas H. Reed.* Nat. Mun. Rev. July, 1925.

———. How shall the planned region be governed? *Thomas H. Reed.* A regional plan for the San Francisco bay counties. *Russell Van Nest Black.* Am. City. July, 1925.

**Rural Government.** Political science and rural government. *James Hart.* Am. Pol. Sci. Rev. Aug., 1925.

———. Rural community councils. *Grace E. Hadow.* Nine. Cent. Aug.

**Social Service.** Public and private provision for social service in New York City. *Le Roy E. Bowman.* Nat. Mun. Rev. Aug., 1925.

**Traffic Regulation.** New laws to regulate motor vehicles. *Herbert L. Towle.* Rev. of Revs. Aug., 1925.

**Urban Concentration.** The freedom of the city. *Charles Downing Lay.* N. Am. Rev. Sept.-Nov., 1925.

**Urban Politics.** Political apathy in urban life. *Eugene McQuillan.* Central Law Jour. Sept. 5, 1925.

**Village Planning.** Village planning and replanning. *Wayne C. Nason.* Am. City. July, 1925.

**Washington.** Making the nation's capital safe. *M. O. Eldridge.* Am. City. Aug., 1925.

**Water Supply.** Water-supply statistics for municipalities of less than 5000 population. VI. Am. City. July, 1925.

**Zoning.** Relation of water-supply to zoning. *Malcolm Pirnie.* Fundamentals of American zoning. *Edward M. Bassett.* Am. City. July, Aug., 1925.

## POLITICAL THEORY AND MISCELLANEOUS

### Books

*Bonn, Moritz J.* The crisis of European democracy. Pp. 103. Yale Univ. Press.

*Carpenter, William S.* Democracy and representation. Princeton Univ. Press.

*Cozalis, E.* Syndicalisme ouvrier et evolution sociale. Pp. 330. Paris: Riviere.

- Cole, G. D. H.* Robert Owen. Boston: Little, Brown & Co.
- Constantinescu-Bagdat, Mme. Elise.* Études d'histoire pacifiste. II. De Vauban à Voltaire. Pp. vi + 464. Paris: Les Presses Universitaires.
- Cross, Percy George.* Bogus or bonus lives; the ethics of constructive citizenship. Pp. 206. Philadelphia: Dorrance.
- Douglas, Dorothy Wolff.* Guillaume de Greef: the social theory of an early syndicalist. (Columbia Univ. Studies.) Pp. 391. Longmans.
- Emmett, W. H.* The Marxian economic handbook and glossary. Pp. 350. London: Allen & Unwin.
- Freyer, Hans.* Der Staat. Pp. 216. Leipzig: F. Rehfelden.
- Hamlin, Scoville.* Private ownership, or socialism. Pp. 218. Philadelphia: Dorrance.
- Hollander, Jacob.* Economic liberalism. N. Y.: Abingdon Press.
- House, Julius Temple.* Purpose the variant of theory. Pp. 80. Univ. of Chicago Press.
- Junker, Paul W.* Die Weltanschauung des Marxismus und Platos Staatsidee. Pp. viii + 123. Greifswald: L. Bamberg.
- Kautsky, Karl Johann.* The labour revolution. Pp. 287. N. Y.: Dial Press.
- Laski, H. J.* Grammar of politics. Pp. 672. London: Allen & Unwin.
- Lippmann, Walter.* The phantom public. Harcourt, Brace.
- Mauß, Otto.* Politische Geographie. Pp. xiv + 742. Berlin: Gebrüder Bornträger.
- Merriam, Charles Edward.* New aspects of politics. Pp. 270. Univ. of Chicago Press.
- Miller, Chester F.* The march of democracy. Pp. 225. N. Y.: Heath.
- Moreau, G.* Le syndicalisme, les mouvements politiques et l'évolution économique. Paris: Rivière.
- Mukerjee, Radhakamal.* Groundwork of economics. Pp. viii + 217. Longmans.
- Requa, M. L.* The relation of government to industry. Macmillan.
- Sée, Henri.* L'évolution de la pensée politique en France au 18<sup>e</sup> siècle. Pp. 400. Paris: Giard.
- Social progress; a handbook of the liberal movement. Pp. 342. N. Y.: The Arbitrator.
- Wright, Henry Wilkes.* The moral standards of democracy. Appleton.
- Wynne, R. V.* The state and its ailments. Pp. xi + 300. London: Simpkin, Marshall.

#### Articles

- Citizenship.** Government and citizenship. *Philip Cook.* Am. Bar Assoc. Jour. July, 1925.
- Civilization.** The outlook for western civilization. I. The literature of despair. II. The literature of hope. III. Engineers of a new renaissance. *Glenn Frank.* Century. July, Aug., Sept., 1925.
- Communism.** Communism and Christianity, a reply. *J. Worsley Boden.* Nine. Cent. July, 1925.
- Cooley.** Some political ideas of Thomas McIntyre Cooley. *O. Douglas Weeks.* Southwestern Pol. and Soc. Sci. Quar. June, 1925.

**Currency Question.** The gold standard experiment. *Arthur Kilson*. Nine. Cent. Sept., 1925.

———. Tariff devices for depreciating currencies. *Walter Muhlback*. Jour. Pol. Econ. June, 1925.

**Democracy.** Les malades de la démocratie. II. L'électorat. *Charles Benoist*. Rev. Deux Mondes. June 1, 1925.

———. Democracy and demoralization in government. *Frank Exline*. Const. Rev. July, 1925.

———. En torno a la crisis de la democracia. *Carmelo Viñas y Mey*. Rev. Gen. Legis. y Juris. July, 1925.

———. La démocratie européenne au XX<sup>e</sup> siècle. *Ange Morre*. Nouvelle Rev. July 15, 1925.

**Fascism.** Le fascisme (suite et fin). *Jean Signorel*. La Grande Rev. Apr., 1925.

**Individualism.** Individualism and the social conscience. *R. M. Montgomery*. Nine. Cent. June, 1925.

**Pacifism.** Youth and peace. *George A. Coe*. The colleges and war. *Oliver La Farge*. Scribner's. July, 1925.

**Pluralism.** Sovereign state or sovereign group? *W. Y. Elliott*. Am. Pol. Sci. Rev. Aug., 1925.

**Proportional Representation.** A new method for counting proportional representation ballots. *Harold F. Gosnell*. Nat. Mun. Rev. July, 1925.

**Public Service.** The profession of public service. *C. P. Patterson*. Southwestern Pol. and Soc. Sci. Quar. June, 1925.

**Socialism.** Socialisme et colonies. *Riber-Raynaud*. Rev. Pol. et Parl. June, 1925.

———. Ten years of socialism in Europe. *Emile Vandervelde*. For. Affairs. July, 1925.

———. Ferdinand Lassalle: the "tragic comedian." *A. W. G. Randall*. Contemp. Rev. July, 1925.

———. Socialism and education. *Bertrand Russell*. Harper's. Sept.

**State Responsibility.** State responsibility. *Albert C. Ritchie*. Am. Bar Assoc. Jour. July, 1925.

**Syndicalism.** Chronique du syndicalisme. *Etienne Villey*. Rev. Pol. et Parl. July, 1925.

## GOVERNMENT PUBLICATIONS

MILES O. PRICE

*United States Patent Office*

AMERICAN

### UNITED STATES

*House of Representatives.* Civil service retirement and salary classification laws: compiled by Elmer A. Lewis, superintendent document room, House of Representatives. Wash: Govt. Ptg. Off., 1925. 40 p.

———. *Immigration and naturalization committee*. Immigration from Latin America, West Indies, and Canada, hearings, Mar. 3, 1925; report by Robert F. Foerster (and) memoranda by F. H. Kinnicutt. Wash. Govt. Ptg. Off., 1925. 303-345 p.

———. Deportation of alien seamen, hearings on proposed amendments to H. R. 11796, Jan. 26-29, 1925. Wash. Govt. Ptg. Off., 1925. 107-302 p.

*Senate*. Constitution of United States as amended to Dec. 1, 1924 (annotated) with citations to cases of Supreme Court construing its several provisions, collated under each provision; Wash. Govt. Ptg. Off., 1924. 876 p.

———. *Foreign relations committee*. Foreign loans, hearings before subcommittee pursuant to S. Con. Res. 22, relative to engaging responsibility of government in financial arrangements between its citizens and sovereign foreign governments, Feb. 25 and 26, 1925. Wash. Govt. Ptg. Off., 1925. 194 p.

*Labor department*. Racial problems involved in immigration from Latin America and West Indies to United States, report submitted to secretary of labor; by Robert F. Foerster. Wash. Govt. Ptg. Off., 1925. 62 p.

*Pan American Union*. Codification of American international law, projects of conventions prepared at request on Jan. 2, 1924, of governing board of Pan American Union for consideration of International commission of Jurists, and submitted by American Institute of international law to governing board of Pan American Union, Mar. 2, 1925. Wash. Govt. Ptg. Off., 1925. 121 p.

*State department*. Convention between United States and Sweden, arbitration; signed Washington, June 24, 1924, proclaimed Mar. 18, 1925. (Treaty series 708.) Wash. Govt. Ptg. Off., 1925. 4 p.

———. Convention between United States and Central American republics for establishment of international commissions of inquiry; signed at Washington, Feb. 7, 1923, proclaimed June 15, 1925. Wash. Govt. Ptg. Off., 1925. 10 p.

———. Treaty between United States and Cuba for adjustment of title to ownership of Isle of Pines; signed Washington, Mar. 2, 1904, proclaimed Mar. 24, 1925. Wash. Govt. Ptg. Off., 1925, 6 p.

#### ARIZONA

*Governor*. Message of Geo. W. P. Hunt; governor of Arizona, to the seventh state legislature, Phoenix, January 12, 1925. Phoenix, 1925. 31 p.

#### ARKANSAS

*Governor*. Inaugural address of Governor Tom J. Terral of Arkansas, delivered to the forty-fifth general assembly, January 14, 1925. Little Rock, 1925. 36 p.

#### CALIFORNIA

*Governor*. Budget message of Friend Wm. Richardson, governor. Sacramento, 1925. 5 p.

———. Message of the governor regarding acts of executive clemency. Sacramento, 1925. 18 p.

*Highway commission*. Needed state and national legislation for public land states. Address of Mr. Harvey M. Toy, chairman, California highway com-

mission, delivered before the tenth annual meeting of the American association of state highway officials, San Francisco, California, November 19, 1924. Sacramento, 1924. 10 p.

*Legislature.* California legislature, forty-sixth session, 1925. Legislative digest. Containing a brief synopsis of all Senate and Assembly bills and constitutional amendments proposed during the first half of the forty-sixth session . . . . Sacramento, 1925. 426 p.

———. List of members, officers, and committees and the rules of the two houses of the California legislature at Sacramento, together with the members of Congress, Supreme court. . . . Sacramento, 1925. 272 p.

#### COLORADO

*Governor.* The inaugural message of Governor Clarence J. Morley, delivered to the twenty-fifth General assembly of Colorado at the municipal auditorium, Denver, January 13, 1925. Denver, 1925. 8 p.

#### CONNECTICUT

*Board of commissioners for the promotion of uniformity of legislation in the United States.* Report. Hartford, 1924. 6 p.

*Governor.* Inaugural message of His Excellency Hiram Bingham, governor of Connecticut, to the General assembly, January session, 1925. Hartford, 1925. 32 p.

———. Message of His Excellency John H. Trumbull, governor of Connecticut, to the general assembly, January 21, 1925. Hartford, 1925. 13 p.

*State library.* Bulletin, no 11: Connecticut state publications, their binding and distribution, by G. S. Godard, state librarian. Hartford, 1925. 27 p.

#### FLORIDA

*Governor.* Address of John W. Martin, governor of Florida to the legislature, regular session, 1925. Tallahassee, 1925. 17 p.

#### HAWAII

*Compilation commission.* Revised laws of Hawaii, 1925. Comprising the statutes of the territory, consolidated, revised and annotated. In two volumes. Honolulu, 1925. 2 v.

*Governor.* Message of Hon. Wallace R. Farrington, governor of Hawaii, to the Legislature . . . . February 18, 1925, thirteenth session. Honolulu, 1925. 33 p.

#### ILLINOIS

*General assembly.* Fifty-fourth general assembly, state of Illinois, convened January 7, 1925. List of members, rules of committees of the Senate and House, list of state officers . . . . Springfield, 1925. 174 p.

*Governor.* Governor Len Small's second inaugural message, and report of the condition of the state at the close of his first term and at the commencement of the 54th general assembly. January 12, 1925. Springfield, 1925. 21 p.

*University of Illinois.* Executive influence in determining military policy

in the United States, by Howard White. Urbana, 1925. 292 p. Thesis (Ph.D.). Reprinted from the University of Illinois studies in the social sciences, v. 12, no. 1-2.

#### INDIANA

*Governor.* Message of Governor Ed Jackson to the 74th biennial session of the Indiana General assembly . . . . Indianapolis, 1925. 5 p.

———. Message of Governor Emmett F. Branch to the 74th biennial session of the Indiana General assembly . . . . Indianapolis, 1925. 19 p.

*Indiana University, Bloomington.* Indiana university studies, v. 11, no. 63, September, 1924: Analysis of the finances of the state of Indiana, 1913-1923, by Charles Kettleborough . . . . and F. H. Guild. 237 p.

*Legislative reference bureau.* Laws passed by general assembly of 1925, including summary of appropriations made. Compiled by legislative reference bureau . . . . and state budget department . . . . Indianapolis, 1925. 41 p.

#### IOWA

*Governor.* Biennial message of N. E. Kendall, governor of Iowa, to the forty-first general assembly in joint session, Des Moines, January 13, 1925. Des Moines, 1925. 44 p.

———. Inaugural address of John Hammill, governor of Iowa, to the forty-first general assembly, Des Moines, Iowa, January 15, 1925. Des Moines, 1925. 30 p.

#### KANSAS

*Department of public instruction.* New school laws of Kansas, 1925. . . . . Topeka, 1925. 18 p.

#### KENTUCKY

*Efficiency commission.* The government of Kentucky. Report of the efficiency commission of Kentucky. Volumes 1-2. Frankfort, 1924. 2 v.

#### MAINE

*Governor.* Inaugural address of Ralph O. Brewster, governor of Maine, to the eighty-second legislature, state of Maine, January 8, 1925. August, 1925. 53 p.

#### MICHIGAN

*Historical commission.* The life of William Dummer Powell, first judge at Detroit, and chief justice of Upper Canada, by . . . . William Renwick Riddell . . . . justice of the supreme court of Ontario. Lansing, 1924. 305 p.

#### MINNESOTA

*Legislature.* 1925 official directory of the legislature of the state of Minnesota, forty-fourth session . . . . St. Paul, 1925. 150 p.

*Secretary of state.* Constitution of the state of Minnesota, Mike Holm, secretary of state. St. Paul, 1925. 21-68 p.

———. The legislative manual of the state of Minnesota, compiled for the legislature of 1925, by Mike Holm, secretary of state. Minneapolis, 1925. 768 p.

*University of Minnesota.* Bureau for research in government. Publication no. 5, June, 1925: The Minneapolis city charter, 1856-1925, by J. M. Marcle. 133 p.

#### MISSISSIPPI

*Dept. of archives and history.* Reviews of Jefferson Davis, constitutionalist. His letters, papers and speeches. Jackson, 1924. 88 p.

#### MISSOURI

*Governor.* Inaugural address of Governor Sam A. Baker to the fifty-third general assembly of Missouri . . . . January 12, 1925. Jefferson City, 1925. 14 p.

*Historical society, Columbia.* The messages and proclamations of the governors of the state of Missouri. Compiled and edited by Grace Gilmore Avery . . . . and Cloyd C. Shoemaker, secretary of the State Historical Society of Missouri. Volumes 4-6. Columbia, 1924. 3 v.

#### MONTANA

*Legislative assembly.* Rules of the house and joint rules of the senate and house of representatives of the nineteenth legislative assembly, state of Montana, 1925. Helena, 1925. 81 p.

#### NEBRASKA

*Legislative reference bureau.* The Nebraska blue book, 1924. Lincoln, 1924. 432 p.

#### NEVADA

*Governor.* Message of His Excellency John G. Winant, governor of New Hampshire, to the two branches of the legislature, January 8, 1925. Concord, 1925. 14 p.

*Commission to revise, codify and amend the public laws.* Report of the commissioners appointed under the provisions of chapter 41 of the laws of 1923, to revise, codify and amend the public laws of New Hampshire. Manchester, 1924. 1485 p.

#### NEW JERSEY

*Legislature.* Manual of the legislature of New Jersey, one hundred and forty-ninth session, 1925 . . . . Trenton, 1925. 689 p.

*State library. Legislative reference department.* Descriptive list of laws and joint resolutions enacted by the state of New Jersey, legislative session, 1925. Trenton, 1925. 24 p.

## NEW YORK

*Department of labor.* New York state labor law with amendments, additions and annotations to June 1, 1925 . . . . Albany, 1925. 154 p.

*Legislature.* The clerk's manual of rules, forms and laws for the regulation of business in the senate and assembly of the state of New York . . . . Albany, 1925. 560 p.

*Secretary of state.* Manual for the use of the legislature of the state of New York, 1925. Prepared . . . . by Florence E. S. Knapp, secretary of state. Albany, 1925. 1143 p.

*State library. Legislative reference section.* Digest of state budget laws. Revised to December 1924. 10 p. (photostated).

## NORTH CAROLINA

*General assembly. Joint legislative committee on reindexing of consolidated statutes.* Supplement to the consolidated statutes of North Carolina, prepared under public laws 1923, chapter 86, by Harry B. Skillman . . . . Raleigh, 1924. 664 p.

*Historical commission.* Bulletin no. 32. 1925. Handbook of county records deposited with the North Carolina Historical commission. A report, by D. L. Corbitt. 45 p.

———. North Carolina manual, 1925 . . . . Raleigh, 1925. 583 p.

## OHIO

*General assembly.* Bulletin, 86th general assembly of Ohio . . . . regular session 1925-26 . . . . showing action on all measures to Friday, April 17, 1925, inclusive. Twelfth edition. Final. Columbus, 1925. 400 p.

———. Hughes' American parliamentary guide (New rev. ed., 1924) the process of lawmaking, by Edward Wakefield Hughes . . . . Prepared under authority of house resolution no. 41. Columbus, 1924. 666 p.

*Governor.* Message of Governor Vic Donahey to the 86th general assembly of Ohio, January 12, 1925. Columbus, 1925. 23 p.

## PENNSYLVANIA

*Commission to study and revise the statutes relating to children.* Report to the general assembly meeting in 1925, of the Commission . . . . Parts 1-2. Harrisburg, 1925. 2 v.

## PHILIPPINE ISLANDS

*Independence commission.* Philippine information pamphlets, v. 1, no. 1. The social integration of the Philippines, by various authors. 91 p.

## PORTO RICO

*Governor.* Message of the governor of Porto Rico to the eleventh legislature, first session, February 16, 1925. San Juan, 1925. 15, 16 p.



## RHODE ISLAND

*Secretary of state.* Manual with rules and orders for the use of the general assembly . . . . 1925-1926 . . . . Providence, 1925. 439 p.

## SOUTH CAROLINA

*Governor.* Annual message of Thomas G. McLeod, governor . . . . Columbia, 1925. 13 p.

———. Inaugural address of Thomas G. McLeod, governor . . . . Columbia, 1925. 14 p.

## TENNESSEE

*Governor.* Message of Governor Austin Peay to the senate and house of representatives of the sixty-fourth general assembly, January 6, 1925. Nashville, 1925. 28 p.

## TEXAS

*Governor.* Message of Governor Miriam A. Ferguson, delivered to the thirty-ninth legislature of the state of Texas, 1925. 17 p, mimeographed.

## UTAH

*Governor.* Message of Governor George H. Dern to the sixteenth legislature of the state of Utah, January 13, 1925. Salt Lake City, 1925. 18 p.

## VERMONT

*Governor.* Inaugural message of Franklin S. Billings, governor of the state of Vermont . . . . Montpelier, 1925. 10 p.

*Secretary of state.* Vermont legislative directory, biennial session, 1925. Montpelier, 1925. 593 p.

## VIRGIN ISLANDS

*Governor.* Code of laws, St. Croix. Amendment no. 4. St. Thomas, 1925. 2 p.

## WASHINGTON

*Department of efficiency.* Bulletins. 1923-24.

Nos. 3-6. A study of state taxation; parts 1-4.

No. 7. A study of civil service as related to state service, and historical analysis of deficiencies and reversions. Compiled and written by L. D. McArdle, director, department of efficiency. 8 p. fold. diagr.

No. 8. A study of the state's present legal budget vs. its basis for the budget . . . . 9 p.

No. 11. A study of the comparative cost of code functions, 1919-21 vs. 1621-23. Part 1. 18 p. diagrs.

No. 12. Same, part 2. 16 p. map. diagrs.

*University of Washington.* University of Washington publications. Social sciences, v. 2, no. 1. Tiberius Caesar and the Roman constitution, by Olive Kuntz. 77 p. Thesis (Ph.D.)—University of Washington. 1924.

#### WYOMING

*Governor.* Message of Governor Nellie Taylor Ross delivered before the eighteenth state legislature of the state of Wyoming, 1925. Cheyenne, 1925. 12 p.

### FOREIGN

#### ARGENTINA

*Archivo general de la nacion.* Acuerdos del extinguido cabildo de Buenos Aires. v. 15, 18. Buenos Aires, 1917, 1925.

*Biblioteca del Congreso Argentino.* Gobernación de Tucumán; correspondencia de los cabildos en el siglo XVI . . . Madrid, 1918. 501 p.

#### CHINA

*Commission on extraterritoriality.* Chinese prisons. (With plans and illus.) Peking, 1925. 130 p. Illus.

#### CUBA

Colección legislativa; leyes, decretos y resoluciones de 1º de Abril a 30 de Junio de 1916. Habana, 1925. v. 52. 686 p.

*President.* Mensaje del presidente Alfredo Zayas y Alfonso al congreso . . . referente a los actos de la administración y demonstrativo del estado general de la republica en 3 de Noviembre de 1924. Habana, 1924. 143 p.

*Secretaria de estado.* La cooperación internacional; por el Dr. Carlos Manuel de Cespedas, secretario de estado . . . segunda edición. Habana, 1923. 19 p.

#### GREAT BRITAIN

*Colonial office.* Iraq. Papers relating to the application to Iraq of the principles of Article 22 of the Covenant of the League of nations. London, H. M. S. O., 1925. 8 p. Cmd. 2317.

*Committee on parliamentary, etc., candidature of crown servants.* Report . . . London, H. M. S. O., 1925. 36 p. Cmd. 2408.

*Foreign office.* Agreement between Great Britain and Germany for amending the method of administering the "German reparation, (Recovery), act, 1921." London, H. M. S. O., 1925, 6 p. Cmd. 2384.

———. Agreement between the governments of Great Britain, Belgium, France, Italy, Japan, the United States of America, Brazil, Greece, Poland, Portugal, Roumania, the Serb-Croat-Slovene state, and Czechoslovakia regarding the distribution of the Dawes annuities. Signed at Paris, Jan. 14, 1925. London, H. M. S. O., 1925. 17 p. Cmd. 2339.

———. Index to treaty series, 1924. London, H. M. S. O., 1925. VI p. Cmd. 2332.

*Foreign office.* League of nations. Statement by the Right. Hon. Austen Chamberlain, M. P., on behalf of His Majesty's government, to the Council of the League of nations, respecting the Protocol for the pacific settlement of international disputes. Geneva, Mar. 12, 1925. London, H. M. S. O., 1925. 10 p. Cmd. 2368. Addendum. 1 sheet. Cmd. 2368.

———. League of nations, 31st, 32d and 33d sessions of the council. Reports by the British delegate . . . . London, H. M. S. O., 1925. 12, 20, 32 pp. Cmd. 2333, 2336, 2402.

———. Note presented to the German government by the British, French, Italian, Japanese and Belgian ambassadors at Berlin, June 4, 1925. London, H. M. S. O., 1925. 47 p. Cmd. 2429.

———. Papers respecting the proposals for a pact of security, made by the German government on February 9, 1925. London H. M. S. O., 1925. 51 p. Cmd. 2435.

———. Protocol for the pacific settlement of international disputes; correspondence relating to the position of the Dominions. London, H. M. S. O., 1925. 27 p. Cmd. 2458.

———. Reply of the German government to the note handed to Herr Stresemann by the French ambassador at Berlin on June 16, 1925, respecting the proposals for a pact of security. London, H. M. S. O., 1925. 9 p. Cmd. 2468.

———. Treaty of alliance between Great Britain and Irak, signed at Bagdad, Oct. 19, 1922; and protocol to treaty of alliance between Great Britain and Irak of October 19, 1922, signed at Bagdad, Mar. 25, 1924 . . . . London, H. M. S. O., 1925. 44 p. Cmd. 2370.

———. The criminal code of the Russian socialist federative soviet republic. No. 15, article 153 of the collection of laws, 1922, supplemented by amendments issued up to Dec. 31, 1924. Translated by O. T. Raymer. London, H. M. S. O., 1925. 58 p.

*Public record office.* Catalogue of MSS. and other objects in the museum . . . . by Sir H. C. Maxwell Lyte . . . . 11th ed. London, H. M. S. O., 1925. 78 p.

#### INDIA

*Reforms enquiry committee,* 1924. East India (constitutional reforms). Report of the Reforms committee . . . . appointed by the Government of India, and connected papers. 203 p. "Printed in India." Views of local governments on the working of the reforms; dated 1923. 250 p. Ibid. dated 1924. 420 p. London, H. M. S. O., 1925. Cmd. 2360, 2361, 2362.

#### ITALY

*Camera dei deputate.* Documenti diplomatici presentati al parlamento Italiano dal . . . . Mussolini. Rome, Tip. Camera dei Deputati, 1923. 206 p.

*Ministero delle finanze.* Disposizioni sullo stato giuridico degl'impiegati civili dell'amministrazione dello stato. Rome, 1924. 63 p.

———. Provveditorato generale dello stato. Pubblicazioni edite dallo stato o col suo concorso (1861-1923). Catalogo generale. Rome. Libreria dello stato. 1924. 668 fols.

*Ministero delle finanze.* Riforma della legge comunale e provinciale. Rome. Libr. dello stato. 1924. 48 p.

*Ministero dell' interno.* Legge elettorale politico; istruzioni per gli uffici elettorali e norme per i viaggi degli elettori. Rome, Libr. dello stato. 1924. V p. maps.

———. Resto unico della legge elettorale politica. Rome, Libr. dello stato. 1923. 92 p.

*Presidenza del consiglio dei ministri. Consulta araldica del regno.* Memoriale per la consulta araldica (legislazione nobiliare) Rome. 1924. 231 p.

#### RUSSIA

*Astrakhan, executive committee.* Instructions for village executive committees. Astrakhan, 1925. 99 p. (Title and text in Russian).

*Commissariat du peuple pour les affaires étrangères.* U. R. S. S.—Annuaire diplomatique . . . . . 1925. Moscow, 1925. 177 p. Title and text in Russian and French.

*Commissariat of the people for foreign affairs.* Collection of treaties and conventions with foreign countries. 2d ed. 1 Jan. 1924–1 Jan. 1925. Moscow, 1925. 132 p. (Title and text in Russian).

Constitution of R. S. F. S. R. and U. S. S. R., with annotations for each article. Moscow, Military Bulletin, 1924. 86 p. (Title and text in Russian).

*Handelskammer für Nordwest Russland.* Führer für russische und ausländische geschäftsleute. (Rechtsverhältnisse und Wirtschaftsbedingungen in Sowjet Russland). Petrograd, 1924. 282 p.

*Leningrad district executive committee.* Criminal procedure codex, U. S. S. R. Leningrad, 1925. 190 p. (Title and text in Russian).

*Ministry of justice.* Civil codex, U. S. S. R. Moscow, 1925. 153 p. (Title and text in Russian).

———. Codex of law pertaining to labor. Moscow, 1925. 31 p. (Title and text in Russian).

*Ministry of justice.* Collection of codexes of R. F. S. S. R. Moscow, 1925. 820 + cxxx p. (Title and text in Russian).

———. Constitution of the U. S. S. R. 2d ed. Moscow, 1925. 298 p. (Title and text in Russian).

*Ministry of labor.* Collection of regulations about the work of the R. F. S. S. R. and U. S. S. R., to July 1, 1924. Moscow, 1925. 390 p. (Text and title in Russian).

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